

Chapter 491

H.B. No. 2671

1 AN ACT
2 relating to the placement of certain substances in Penalty Groups 1
3 and 3 of the Texas Controlled Substances Act and the prosecution of
4 criminal offenses involving certain substances listed in Penalty
5 Groups 1, 2, and 3 of that Act.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. Section 481.102, Health and Safety Code, is
8 amended to read as follows:

9 Sec. 481.102. PENALTY GROUP 1. Penalty Group 1 consists
10 of:

11 (1) the following opiates, including their isomers,
12 esters, ethers, salts, and salts of isomers, esters, and ethers,
13 unless specifically excepted, if the existence of these isomers,
14 esters, ethers, and salts is possible within the specific chemical
15 designation:

- 16 Alfentanil;
- 17 Allylprodine;
- 18 Alphacetylmethadol;
- 19 Benzethidine;
- 20 Betaprodine;
- 21 Clonitazene;
- 22 Diampromide;
- 23 Diethylthiambutene;
- 24 DifenoXin not listed in Penalty Group 3 or 4;

1 Dimenoxadol;
2 Dimethylthiambutene;
3 Dioxaphetyl butyrate;
4 Dipipanone;
5 Ethylmethylthiambutene;
6 Etonitazene;
7 Etoxeridine;
8 Furethidine;
9 Hydroxypethidine;
10 Ketobemidone;
11 Levophenacylmorphane;
12 Meprodine;
13 Methadol;
14 Moramide;
15 Morpheridine;
16 Noracymethadol;
17 Norlevorphanol;
18 Normethadone;
19 Norpipanone;
20 Phenadoxone;
21 Phenampromide;
22 Phenomorphane;
23 Phenoperidine;
24 Piritramide;
25 Proheptazine;
26 Properidine;
27 Propiram;

1 Sufentanil;
2 Tilidine; and
3 Trimeperidine;

4 (2) the following opium derivatives, their salts,
5 isomers, and salts of isomers, unless specifically excepted, if the
6 existence of these salts, isomers, and salts of isomers is possible
7 within the specific chemical designation:

8 Acetorphine;
9 Acetyldihydrocodeine;
10 Benzylmorphine;
11 Codeine methylbromide;
12 Codeine-N-Oxide;
13 Cyprenorphine;
14 Desomorphine;
15 Dihydromorphine;
16 Drotebanol;
17 Etorphine, except hydrochloride salt;
18 Heroin;
19 Hydromorphinol;
20 Methyldesorphine;
21 Methyldihydromorphine;
22 Monoacetylmorphine;
23 Morphine methylbromide;
24 Morphine methylsulfonate;
25 Morphine-N-Oxide;
26 Myrophine;
27 Nicocodeine;

1 Nicomorphine;
2 Normorphine;
3 Pholcodine; and
4 Thebacon;

5 (3) the following substances, however produced,
6 except those narcotic drugs listed in another group:

7 (A) Opium and opiate not listed in Penalty Group
8 3 or 4, and a salt, compound, derivative, or preparation of opium or
9 opiate, other than thebaine derived butorphanol, nalmeffene and its
10 salts, naloxone and its salts, and naltrexone and its salts, but
11 including:

12 Codeine not listed in Penalty Group 3 or 4;
13 Dihydroetorphine;
14 Ethylmorphine not listed in Penalty Group 3
15 or 4;
16 Granulated opium;
17 Hydrocodone not listed in Penalty Group 3;
18 Hydromorphone;
19 Metopon;
20 Morphine not listed in Penalty Group 3;
21 Opium extracts;
22 Opium fluid extracts;
23 Oripavine;
24 Oxycodone;
25 Oxymorphone;
26 Powdered opium;
27 Raw opium;

- 1 Thebaine; and
2 Tincture of opium;
- 3 (B) a salt, compound, isomer, derivative, or
4 preparation of a substance that is chemically equivalent or
5 identical to a substance described by Paragraph (A), other than the
6 isoquinoline alkaloids of opium;
- 7 (C) Opium poppy and poppy straw;
- 8 (D) Cocaine, including:
- 9 (i) its salts, its optical, position, and
10 geometric isomers, and the salts of those isomers;
- 11 (ii) coca leaves and a salt, compound,
12 derivative, or preparation of coca leaves; and
- 13 (iii) a salt, compound, derivative, or
14 preparation of a salt, compound, or derivative that is chemically
15 equivalent or identical to a substance described by Subparagraph
16 (i) or (ii), other than decocainized coca leaves or extractions of
17 coca leaves that do not contain cocaine or ecgonine; and
- 18 (E) concentrate of poppy straw, meaning the crude
19 extract of poppy straw in liquid, solid, or powder form that
20 contains the phenanthrine alkaloids of the opium poppy;
- 21 (4) the following opiates, including their isomers,
22 esters, ethers, salts, and salts of isomers, if the existence of
23 these isomers, esters, ethers, and salts is possible within the
24 specific chemical designation:
- 25 Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-
26 phenethyl)-4-piperidinyl]-N-phenylacetamide);
- 27 Alpha-methylthiofentanyl (N-[1-methyl-2-(2-

1 thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);
2 Alphaprodine;
3 Anileridine;
4 Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-
5 phenethyl)-4-piperidinyl] -N-phenylpropanamide);
6 Beta-hydroxy-3-methylfentanyl;
7 Bezitramide;
8 Carfentanil;
9 Dihydrocodeine not listed in Penalty Group 3 or 4;
10 Diphenoxylate not listed in Penalty Group 3 or 4;
11 Fentanyl or alpha-methylfentanyl, or any other
12 derivative of Fentanyl;
13 Isomethadone;
14 Levomethorphan;
15 Levorphanol;
16 Metazocine;
17 Methadone;
18 Methadone-Intermediate, 4-cyano-2-dimethylamino-
19 4, 4-diphenyl butane;
20 3-methylfentanyl(N-[3-methyl-1-(2-phenylethyl)-
21 4-piperidyl]-N-phenylpropanamide);
22 3-methylthiofentanyl(N-[3-methyl-1-(2-thienyl)
23 ethyl-4-piperidinyl]-N-phenylpropanamide);
24 Moramide-Intermediate, 2-methyl-3-morpholino-1,
25 1-diphenyl-propane-carboxylic acid;
26 Para-fluorofentanyl(N-(4-fluorophenyl)-N-1-(2-
27 phenylethyl)-4-piperidinylpropanamide);

- 1 PEPAP (1-(2-phenethyl)-4-phenyl-4-
2 acetoxypiperidine);
- 3 Pethidine (Meperidine);
- 4 Pethidine-Intermediate-A, 4-cyano-1-methyl-4-
5 phenylpiperidine;
- 6 Pethidine-Intermediate-B, ethyl-4-
7 phenylpiperidine-4 carboxylate;
- 8 Pethidine-Intermediate-C, 1-methyl-4-
9 phenylpiperidine-4-carboxylic acid;
- 10 Phenazocine;
- 11 Piminodine;
- 12 Racemethorphan;
- 13 Racemorphan;
- 14 Remifentanil; and
- 15 Thiofentanyl(N-phenyl-N-[1-(2-thienyl)ethyl-4-pi
16 peridinyl]-propanamide);
- 17 (5) Flunitrazepam (trade or other name: Rohypnol);
- 18 (6) Methamphetamine, including its salts, optical
19 isomers, and salts of optical isomers;
- 20 (7) Phenylacetone and methylamine, if possessed
21 together with intent to manufacture methamphetamine;
- 22 (8) Phencyclidine, including its salts;
- 23 (9) Gamma hydroxybutyric acid (some trade or other
24 names: gamma hydroxybutyrate, GHB), including its salts; [~~and~~]
- 25 (10) Ketamine;
- 26 (11) Phenazepam;
- 27 (12) U-47700;

- 1 (13) AH-7921;
- 2 (14) ADB-FUBINACA;
- 3 (15) AMB-FUBINACA; and
- 4 (16) MDMB-CHMICA.

5 SECTION 2. Section 481.104(a), Health and Safety Code, is
6 amended to read as follows:

7 (a) Penalty Group 3 consists of:

8 (1) a material, compound, mixture, or preparation that
9 contains any quantity of the following substances having a
10 potential for abuse associated with a stimulant effect on the
11 central nervous system:

12 Methylphenidate and its salts; and

13 Phenmetrazine and its salts;

14 (2) a material, compound, mixture, or preparation that
15 contains any quantity of the following substances having a
16 potential for abuse associated with a depressant effect on the
17 central nervous system:

18 a substance that contains any quantity of a
19 derivative of barbituric acid, or any salt of a derivative of
20 barbituric acid not otherwise described by this subsection;

21 a compound, mixture, or preparation containing
22 amobarbital, secobarbital, pentobarbital, or any salt of any of
23 these, and one or more active medicinal ingredients that are not
24 listed in any penalty group;

25 a suppository dosage form containing amobarbital,
26 secobarbital, pentobarbital, or any salt of any of these drugs, and
27 approved by the United States Food and Drug Administration for

1 marketing only as a suppository;
2 Alprazolam;
3 Amobarbital;
4 Bromazepam;
5 Camazepam;
6 Carisoprodol;
7 Chlordiazepoxide;
8 Chlorhexadol;
9 Clobazam;
10 Clonazepam;
11 Clorazepate;
12 Clotiazepam;
13 Cloxazolam;
14 Delorazepam;
15 Diazepam;
16 Estazolam;
17 Ethyl loflazepate;
18 Etizolam;
19 Fludiazepam;
20 Flurazepam;
21 Glutethimide;
22 Halazepam;
23 Haloxzolam;
24 Ketazolam;
25 Loprazolam;
26 Lorazepam;
27 Lormetazepam;

1 Lysergic acid, including its salts, isomers, and
2 salts of isomers;
3 Lysergic acid amide, including its salts,
4 isomers, and salts of isomers;
5 Mebutamate;
6 Medazepam;
7 Methyprylon;
8 Midazolam;
9 Nimetazepam;
10 Nitrazepam;
11 Nordiazepam;
12 Oxazepam;
13 Oxazolam;
14 Pentazocine, its salts, derivatives, or compounds
15 or mixtures thereof;
16 Pentobarbital;
17 Pinazepam;
18 Prazepam;
19 Quazepam;
20 Secobarbital;
21 Sulfondiethylmethane;
22 Sulfonethylmethane;
23 Sulfonmethane;
24 Temazepam;
25 Tetrazepam;
26 Tiletamine and zolazepam in combination, and its
27 salts. (some trade or other names for a tiletamine-zolazepam

1 combination product: Telazol, for tiletamine: 2-(ethylamino)-
2 2-(2-thienyl)-cyclohexanone, and for zolazepam: 4-(2-
3 fluorophenyl)-6, 8-dihydro-1,3,8,-trimethylpyrazolo-[3,4-
4 e](1,4)-d diazepin-7(1H)-one, flupyrzapon);

5 Tramadol;

6 Triazolam;

7 Zaleplon;

8 Zolpidem; and

9 Zopiclone;

10 (3) Nalorphine;

11 (4) a material, compound, mixture, or preparation
12 containing limited quantities of the following narcotic drugs, or
13 any of their salts:

14 not more than 1.8 grams of codeine, or any of its
15 salts, per 100 milliliters or not more than 90 milligrams per dosage
16 unit, with an equal or greater quantity of an isoquinoline alkaloid
17 of opium;

18 not more than 1.8 grams of codeine, or any of its
19 salts, per 100 milliliters or not more than 90 milligrams per dosage
20 unit, with one or more active, nonnarcotic ingredients in
21 recognized therapeutic amounts;

22 not more than 300 milligrams of dihydrocodeinone
23 (hydrocodone), or any of its salts, per 100 milliliters or not more
24 than 15 milligrams per dosage unit, with a fourfold or greater
25 quantity of an isoquinoline alkaloid of opium;

26 not more than 300 milligrams of dihydrocodeinone
27 (hydrocodone), or any of its salts, per 100 milliliters or not more

1 than 15 milligrams per dosage unit, with one or more active,
2 nonnarcotic ingredients in recognized therapeutic amounts;

3 not more than 1.8 grams of dihydrocodeine, or any
4 of its salts, per 100 milliliters or not more than 90 milligrams per
5 dosage unit, with one or more active, nonnarcotic ingredients in
6 recognized therapeutic amounts;

7 not more than 300 milligrams of ethylmorphine, or
8 any of its salts, per 100 milliliters or not more than 15 milligrams
9 per dosage unit, with one or more active, nonnarcotic ingredients
10 in recognized therapeutic amounts;

11 not more than 500 milligrams of opium per 100
12 milliliters or per 100 grams, or not more than 25 milligrams per
13 dosage unit, with one or more active, nonnarcotic ingredients in
14 recognized therapeutic amounts;

15 not more than 50 milligrams of morphine, or any of
16 its salts, per 100 milliliters or per 100 grams with one or more
17 active, nonnarcotic ingredients in recognized therapeutic amounts;
18 and

19 not more than 1 milligram of difenoxin and not
20 less than 25 micrograms of atropine sulfate per dosage unit;

21 (5) a material, compound, mixture, or preparation that
22 contains any quantity of the following substances:

- 23 Barbitol;
- 24 Chloral betaine;
- 25 Chloral hydrate;
- 26 Ethchlorvynol;
- 27 Ethinamate;

1 Meproamate;
2 Methohexital;
3 Methylphenobarbital (Mephobarbital);
4 Paraldehyde;
5 Petrichloral; and
6 Phenobarbital;

7 (6) Peyote, unless unharvested and growing in its
8 natural state, meaning all parts of the plant classified
9 botanically as Lophophora, whether growing or not, the seeds of the
10 plant, an extract from a part of the plant, and every compound,
11 manufacture, salt, derivative, mixture, or preparation of the
12 plant, its seeds, or extracts;

13 (7) unless listed in another penalty group, a
14 material, compound, mixture, or preparation that contains any
15 quantity of the following substances having a stimulant effect on
16 the central nervous system, including the substance's salts,
17 optical, position, or geometric isomers, and salts of the
18 substance's isomers, if the existence of the salts, isomers, and
19 salts of isomers is possible within the specific chemical
20 designation:

21 Benzphetamine;
22 Cathine [(+)-norpseudoephedrine];
23 Chlorphentermine;
24 Clortermine;
25 Diethylpropion;
26 Fencamfamin;
27 Fenfluramine;

1 Fenproporex;
2 Mazindol;
3 Mefenorex;
4 Modafinil;
5 Pemoline (including organometallic complexes and
6 their chelates);
7 Phendimetrazine;
8 Phentermine;
9 Pipradrol;
10 Sibutramine; and
11 SPA [(-)-1-dimethylamino-1,2-diphenylethane];

12 (8) unless specifically excepted or unless listed in
13 another penalty group, a material, compound, mixture, or
14 preparation that contains any quantity of the following substance,
15 including its salts:

16 Dextropropoxyphene (Alpha-(+)-4-dimethylamino-
17 1,2-diphenyl-3-methyl-2-propionoxybutane);

18 (9) an anabolic steroid, including any drug or
19 hormonal substance, or any substance that is chemically or
20 pharmacologically related to testosterone, other than an estrogen,
21 progestin, dehydroepiandrosterone, or corticosteroid, and promotes
22 muscle growth, including the following drugs and substances and any
23 salt, ester, or ether of the following drugs and substances:

24 Androstenediol;
25 Androstenedione;
26 Androstenediol;
27 Androstenedione;

1 Bolasterone;
2 Boldenone;
3 Calusterone;
4 Clostebol;
5 Dehydrochlormethyltestosterone;
6 Delta-1-dihydrotestosterone;
7 Dihydrotestosterone (4-dihydrotestosterone);
8 Drostanolone;
9 Ethylestrenol;
10 Fluoxymesterone;
11 Formebolone;
12 Furazabol;
13 13beta-ethyl-17beta-hydroxygon-4-en-3-one;
14 4-hydroxytestosterone;
15 4-hydroxy-19-nortestosterone;
16 Mestanolone;
17 Mesterolone;
18 Methandienone;
19 Methandriol;
20 Methenolone;
21 17alpha-methyl-3beta, 17 beta-dihydroxy-5alpha-
22 androstane;
23 17alpha-methyl-3alpha, 17 beta-dihydroxy-5alpha-
24 androstane;
25 17alpha-methyl-3beta, 17beta-dihydroxyandrost-4-
26 ene;
27 17alpha-methyl-4-hydroxynandrolone;

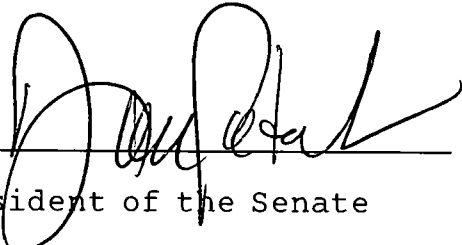
1 Methyldienolone;
2 Methyltestosterone;
3 Methyltrienolone;
4 17alpha-methyl-delta-1-dihydrotestosterone;
5 Mibolerone;
6 Nandrolone;
7 Norandrostenediol;
8 Norandrostenedione;
9 Norbolethone;
10 Norclostebol;
11 Norethandrolone;
12 Normethandrolone;
13 Oxandrolone;
14 Oxymesterone;
15 Oxymetholone;
16 Stanozolol;
17 Stenbolone;
18 Testolactone;
19 Testosterone;
20 Tetrahydrogestrinone; and
21 Trenbolone; and

22 (10) *Salvia divinorum*, unless unharvested and growing
23 in its natural state, meaning all parts of that plant, whether
24 growing or not, the seeds of that plant, an extract from a part of
25 that plant, and every compound, manufacture, salt, derivative,
26 mixture, or preparation of that plant, its seeds, or extracts,
27 including Salvinorin A.

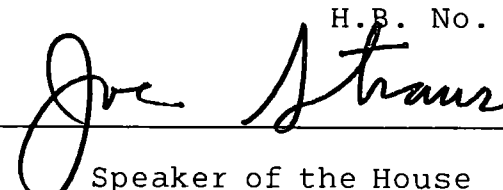
1 SECTION 3. Section 481.103(d), Health and Safety Code, is
2 repealed.

3 SECTION 4. The change in law made by this Act applies only
4 to an offense committed on or after the effective date of this Act.
5 An offense committed before the effective date of this Act is
6 governed by the law in effect on the date the offense was committed,
7 and the former law is continued in effect for that purpose. For
8 purposes of this section, an offense was committed before the
9 effective date of this Act if any element of the offense occurred
10 before that date.

11 SECTION 5. This Act takes effect September 1, 2017.

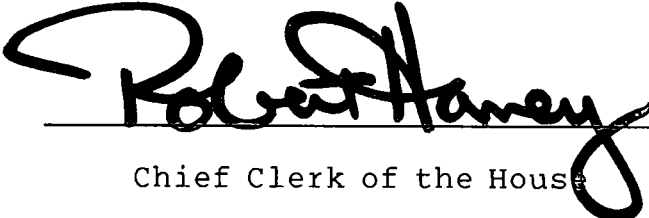


President of the Senate

H.B. No. 2671


Speaker of the House

I certify that H.B. No. 2671 was passed by the House on May 2, 2017, by the following vote: Yeas 142, Nays 2, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2671 on May 24, 2017, by the following vote: Yeas 146, Nays 0, 2 present, not voting.



Chief Clerk of the House

I certify that H.B. No. 2671 was passed by the Senate, with amendments, on May 22, 2017, by the following vote: Yeas 31, Nays 0.



Secretary of the Senate

APPROVED: 6-7-2017

Date



Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
7:00 P.M. O'CLOCK



Secretary of State

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 23, 2017

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2671 by Dean (Relating to the placement of certain substances in Penalty Groups 1 and 3 of the Texas Controlled Substances Act for the purposes of prosecution of criminal offenses involving those substances.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Health and Safety Code to add the substances known as phenazepam, U-47700, AH-7921, ADB-FUBINACA, AMB-FUBINACA, and MDMB-CHMICA to Penalty Group 1 and carisoprodol, etizolam, and tramadol to Penalty Group 3 classifications. The bill would repeal Section 481.103(d) of the Health and Safety Code, which excludes substances approved by the Federal Drug Administration from the relevant penalty group.

It is assumed any costs associated with enforcing the provisions of the bill could be absorbed within existing resources. It is further assumed the provisions of the bill addressing felony sanctions for criminal offenses would not result in a significant impact on state correctional agencies.

The bill would take effect September 1, 2017.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 405 Department of Public Safety, 696 Department of Criminal Justice

LBB Staff: UP, JAW, KJo, ZB, AI

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 17, 2017

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: **HB2671** by Dean (relating to the placement of certain substances in Penalty Groups 1 and 3 of the Texas Controlled Substances Act for the purposes of prosecution of criminal offenses involving those substances.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Health and Safety Code to add the substances known as phenazepam, U-47700, AH-7921, ADB-FUBINACA, AMB-FUBINACA, and MDMB-CHMICA to Penalty Group 1 and carisoprodol, etizolam, and tramadol to Penalty Group 3 classifications. It is assumed any costs associated with enforcing the provisions of the bill could be absorbed within existing resources. It is further assumed the provisions of the bill addressing felony sanctions for criminal offenses would not result in a significant impact on state correctional agencies.

The bill would take effect September 1, 2017.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 405
Department of Public Safety, 696 Department of Criminal Justice

LBB Staff: UP, JAW, KJo, ZB, AI

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 8, 2017

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2671 by Dean (Relating to the placement of certain substances in Penalty Groups 1 and 3 of the Texas Controlled Substances Act for the purposes of prosecution of criminal offenses involving those substances.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Health and Safety Code to add the substances known as phenazepam, U-47700, and AH-7921 to Penalty Group 1 and carisoprodol, etizolam, and tramadol to Penalty Group 3 classifications. It is assumed any costs associated with enforcing the provisions of the bill could be absorbed within existing resources. It is further assumed the provisions of the bill addressing felony sanctions for criminal offenses would not result in a significant impact on state correctional agencies.

The bill would take effect September 1, 2017.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 405 Department of Public Safety, 696 Department of Criminal Justice

LBB Staff: UP, KJo, ZB, AI, JAW

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

April 13, 2017

TO: Honorable Joe Moody, Chair, House Committee on Criminal Jurisprudence

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2671 by Dean (Relating to the placement of certain substances in Penalty Groups 1 and 3 of the Texas Controlled Substances Act for the purposes of prosecution of criminal offenses involving those substances.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Health and Safety Code to add the substances known as phenazepam, U-47700, and AH-7921 to Penalty Group 1 and carisoprodol, etizolam, and tramadol to Penalty Group 3 classifications. It is assumed any costs associated with enforcing the provisions of the bill could be absorbed within existing resources. It is further assumed the provisions of the bill addressing felony sanctions for criminal offenses would not result in a significant impact on state correctional agencies.

The bill would take effect September 1, 2017.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 405 Department of Public Safety, 696 Department of Criminal Justice

LBB Staff: UP, KJo, Ai, JAW

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

April 2, 2017

TO: Honorable Joe Moody, Chair, House Committee on Criminal Jurisprudence

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2671 by Dean (Relating to the placement of certain substances in Penalty Groups 1 and 3 of the Texas Controlled Substances Act for the purposes of prosecution of criminal offenses involving those substances.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Health and Safety Code to add the substances known as U-47700 and AH-7921 to Penalty Group 1 and carisoprodol, etizolam, phenazepam, and tramadol to Penalty Group 3 classifications. It is assumed any costs associated with enforcing the provisions of the bill could be absorbed within existing resources. It is further assumed the provisions of the bill addressing felony sanctions for criminal offenses would not result in a significant impact on state correctional agencies.

The bill would take effect September 1, 2017.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 405 Department of Public Safety, 696 Department of Criminal Justice

LBB Staff: UP, KJo, AI, JAW

LEGISLATIVE BUDGET BOARD
Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

85TH LEGISLATIVE REGULAR SESSION

May 23, 2017

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2671 by Dean (Relating to the placement of certain substances in Penalty Groups 1 and 3 of the Texas Controlled Substances Act for the purposes of prosecution of criminal offenses involving those substances.), **As Passed 2nd House**

The provisions of the bill addressing felony sanctions are the subject of this analysis. The bill would amend the Health and Safety Code as it relates to the addition of certain substances to the list of Penalty Group 1 and Penalty Group 3 substances in the Texas Controlled Substances Act. Under existing statute, possession, manufacture, delivery, or possession with intent to deliver a Penalty Group 1 or a Penalty Group 3 substance is punishable at various felony levels with punishment based on the amount of substance possessed, manufactured, delivered, or possessed with the intent to deliver.

A first degree felony is punishable by confinement in prison for life or a term from 5 to 99 years; a second degree felony from 2 to 20 years; a third degree felony from 2 to 10 years; and a state jail felony is punishable by confinement in a state jail for a term from 180 days to 2 years or Class A misdemeanor punishment. In addition to confinement, most felony offenses are subject to an optional fine not to exceed \$10,000.

Expanding the list of substances for which possession, manufacture, delivery, or possession with intent to deliver is a criminal offense is expected to result in increased demands on the correctional resources of the counties or of the State due to a potential increase in the number of individuals placed under supervision in the community or sentenced to a term of confinement within state correctional institutions. This analysis assumes the provisions of the bill addressing felony sanctions would not result in a significant impact on the demand for state correctional resources.

Source Agencies:

LBB Staff: UP, KJo, LM

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

CRIMINAL JUSTICE IMPACT STATEMENT

85TH LEGISLATIVE REGULAR SESSION

May 17, 2017

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: **HB2671** by Dean (relating to the placement of certain substances in Penalty Groups 1 and 3 of the Texas Controlled Substances Act for the purposes of prosecution of criminal offenses involving those substances.), **Committee Report 2nd House, Substituted**

The provisions of the bill addressing felony sanctions are the subject of this analysis. The bill would amend the Health and Safety Code as it relates to the addition of certain substances to the list of Penalty Group 1 and Penalty Group 3 substances in the Texas Controlled Substances Act. Under existing statute, possession, manufacture, delivery, or possession with intent to deliver a Penalty Group 1 or a Penalty Group 3 substance is punishable at various felony levels with punishment based on the amount of substance possessed, manufactured, delivered, or possessed with the intent to deliver.

A first degree felony is punishable by confinement in prison for life or a term from 5 to 99 years; a second degree felony from 2 to 20 years; a third degree felony from 2 to 10 years; and a state jail felony is punishable by confinement in a state jail for a term from 180 days to 2 years or Class A misdemeanor punishment. In addition to confinement, most felony offenses are subject to an optional fine not to exceed \$10,000.

Expanding the list of substances for which possession, manufacture, delivery, or possession with intent to deliver is a criminal offense is expected to result in increased demands on the correctional resources of the counties or of the State due to a potential increase in the number of individuals placed under supervision in the community or sentenced to a term of confinement within state correctional institutions. This analysis assumes the provisions of the bill addressing felony sanctions would not result in a significant impact on the demand for state correctional resources.

Source Agencies:

LBB Staff: UP, KJo, LM

LEGISLATIVE BUDGET BOARD
Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

85TH LEGISLATIVE REGULAR SESSION

May 16, 2017

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2671 by Dean (Relating to the placement of certain substances in Penalty Groups 1 and 3 of the Texas Controlled Substances Act for the purposes of prosecution of criminal offenses involving those substances.), **As Engrossed**

The provisions of the bill addressing felony sanctions are the subject of this analysis. The bill would amend the Health and Safety Code as it relates to the addition of certain substances to the list of Penalty Group 1 and Penalty Group 3 substances in the Texas Controlled Substances Act.

Under existing statute, possession, manufacture, delivery, or possession with intent to deliver a Penalty Group 1 or a Penalty Group 3 substance is punishable at various felony levels with punishment based on the amount of substance possessed, manufactured, delivered, or possessed with the intent to deliver.

A first degree felony is punishable by confinement in prison for life or a term from 5 to 99 years; a second degree felony from 2 to 20 years; a third degree felony from 2 to 10 years; and a state jail felony is punishable by confinement in a state jail for a term from 180 days to 2 years or Class A misdemeanor punishment. In addition to confinement, most felony offenses are subject to an optional fine not to exceed \$10,000.

Expanding the list of substances for which possession, manufacture, delivery, or possession with intent to deliver is a criminal offense is expected to result in increased demands on the correctional resources of the counties or of the State due to a potential increase in the number of individuals placed under supervision in the community or sentenced to a term of confinement within state correctional institutions. This analysis assumes the provisions of the bill addressing felony sanctions would not result in a significant impact on the demand for state correctional resources.

Source Agencies:

LBB Staff: UP, KJo, LM

LEGISLATIVE BUDGET BOARD
Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

85TH LEGISLATIVE REGULAR SESSION

April 18, 2017

TO: Honorable Joe Moody, Chair, House Committee on Criminal Jurisprudence

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2671 by Dean (Relating to the placement of certain substances in Penalty Groups 1 and 3 of the Texas Controlled Substances Act for the purposes of prosecution of criminal offenses involving those substances.), **Committee Report 1st House, Substituted**

The provisions of the bill addressing felony sanctions are the subject of this analysis. The bill would amend the Health and Safety Code as it relates to the addition of certain substances to the list of Penalty Group 1 and Penalty Group 3 substances in the Texas Controlled Substances Act. Under existing statute, possession, manufacture, delivery, or possession with intent to deliver a Penalty Group 1 or a Penalty Group 3 substance is punishable at various felony levels with punishment based on the amount of substance possessed, manufactured, delivered, or possessed with the intent to deliver.

A first degree felony is punishable by confinement in prison for life or a term from 5 to 99 years; a second degree felony from 2 to 20 years; a third degree felony from 2 to 10 years; and a state jail felony is punishable by confinement in a state jail for a term from 180 days to 2 years or Class A misdemeanor punishment. In addition to confinement, most felony offenses are subject to an optional fine not to exceed \$10,000.

Expanding the list of substances for which possession, manufacture, delivery, or possession with intent to deliver is a criminal offense is expected to result in increased demands on the correctional resources of the counties or of the State due to a potential increase in the number of individuals placed under supervision in the community or sentenced to a term of confinement within state correctional institutions. This analysis assumes the provisions of the bill addressing felony sanctions would not result in a significant impact on the demand for state correctional resources.

Source Agencies:

LBB Staff: UP, KJo, LM

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

CRIMINAL JUSTICE IMPACT STATEMENT

85TH LEGISLATIVE REGULAR SESSION

April 2, 2017

TO: Honorable Joe Moody, Chair, House Committee on Criminal Jurisprudence

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2671 by Dean (Relating to the placement of certain substances in Penalty Groups 1 and 3 of the Texas Controlled Substances Act for the purposes of prosecution of criminal offenses involving those substances.), **As Introduced**

The provisions of the bill addressing felony sanctions are the subject of this analysis. The bill would amend the Health and Safety Code as it relates to the addition of certain substances to the list of Penalty Group 1 and Penalty Group 3 substances in the Texas Controlled Substances Act. Under current law, possession, manufacture, delivery, or possession with intent to deliver a Penalty Group 1 or a Penalty Group 3 substance is punishable at various felony levels with punishment based on the amount of substance possessed, manufactured, delivered, or possessed with the intent to deliver.

A first degree felony is punishable by confinement in prison for life or a term from 5 to 99 years; a second degree felony from 2 to 20 years; a third degree felony from 2 to 10 years; and a state jail felony is punishable by confinement in a state jail for a term from 180 days to 2 years or Class A misdemeanor punishment. In addition to confinement, all felony level offenses are subject to an optional fine not to exceed \$10,000.

Expanding the list of substances for which possession, manufacture, delivery, or possession with intent to deliver is a criminal offense is expected to result in increased demands upon the correctional resources of the counties or of the State due to a potential increase in the number of individuals placed under supervision in the community or sentenced to a term of confinement within state correctional institutions. This analysis assumes the provisions of the bill addressing felony sanctions would not result in a significant impact on the demand for state correctional resources.

Source Agencies:

LBB Staff: UP, KJo, LM