

BILL ANALYSIS

Senate Research Center
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S.B. 331
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Criminal Justice
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

K2, also known as Spice, Genie, and 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. K2 is legal and it is being sold at gas stations and smoke shops across Texas, as well as online to Texans of all ages.

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, blackouts, tremors, seizures, and cardiac infarction. According to the Texas Poison Center Network, there were 555 K2-related calls in 2010, and the number increases with each passing month.

The problem is spreading across Texas and the use of K2 among people of all ages and all walks of life is increasing. S.B. 331 addresses the legal sale, manufacture, and possession of synthetic cannabinoids in Texas. Currently, there are three illegal synthetic cannabinoids in Penalty Group 2, but many other compounds are unregulated under Texas law.

S.B. 331 criminalizes the manufacture, sale, and possession of the unregulated compounds by broadly defining subclasses of synthetic cannabinoids, but explicitly listing compounds that have been identified in products currently on the market. The penalties for possession track those of marijuana where the compound has been sprayed onto an organic substance, but differ when the substance is in its pure form. The penalties for manufacture and sale track those of Penalty Group 2.

As proposed, S.B. 331 amends current law relating to adding certain synthetic cannabinoids to Penalty Group 2 of 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 481.103(a), Health and Safety Code, as follows:

- (a) Provides that Penalty Group 2 consists of, among other hallucinogenic substances, phenylacetone, and substances having potential for abuse associated with a depressant or stimulant effect on the central nervous system, any quantity of a synthetic chemical compound that is a cannabinoid receptor agonist and mimics the pharmacological effect of naturally occurring cannabinoids. Sets forth certain synthetic chemical compounds to be included in Penalty Group 2.

SECTION 2. Effective date: September 1, 2011.