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SYNTHETIC DRUG BAN

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KEY FACTS

- ◆ SB 172, SB 173, HB 1212, and HB 1424 all took effect on September 1, 2015.
- ◆ SB 172, SB 173, HB 1212, and HB 1424 are not anticipated to have any significant fiscal impact on the state.

The 84th legislature passed several measures to expand the ban on synthetic drugs to account for the perpetual development of new chemical compositions, including SB 172, SB 173, HB 1212, and HB 1424.

ISSUE BACKGROUND

In recent years, America has seen the rise of synthetic drug use, and Texas has not been immune. Manufactures of these drugs are able to sidestep laws by creating chemicals that mimic the effects of hallucinogenic and psychoactive drugs such as LSD and Marijuana, but they are legal under current law. These chemicals are then made into pills or sprayed on dried plants and sold as fragrances, but with the true intention of being smoked or ingested.

The drugs, most commonly known as Spice or K2, are far more dangerous than the counterparts they are based on because of their ever-changing structure and increased potency. Some of the side effects can include "severe agitation and anxiety, nausea, vomiting, tachycardia (fast, racing heartbeat), elevated blood pressure, tremors and seizures, hallucinations, dilated pupils, and suicidal and other harmful thoughts and/or actions." Texas counties have seen EMS responses up to an average of 10 incidents a day because these products can be sold at stores with no threat of legal action. This convenience has increased K2's popularity and created an epidemic sweeping across the state where these synthetic cannabinoids have become the second most tried drug among high school students. To combat these dangerous drugs, the 84th legislature has passed a set of bills, which became effective as of September 1, 2015.

DIGEST

Even with regulatory attempts, manufactures have only needed to slightly alter the structure of these substances to remain legal. Two of the bills, SB 172 and SB 173, reclassify and ban all known substances used in the creation of these drugs. This means that all products currently in circulation must be pulled immediately. In previous years, manufacturers would simply go back to the lab and create something new, and possibly more dangerous for sale. With the passage of HB 1212, the Commissioner of State Health Services now has the authority to actively ban new substances that are found to be an imminent hazard to public safety. These restrictions take effect 21 days after modification, allowing for a quicker response to new drugs, instead of having to wait for the legislative session to ban them. Finally, there is HB 1424, which increases penalties to those manufacturing and selling synthetics to that of a Class A Misdemeanor, or a 3rd Degree Felony for repeat offenders, in hopes to deter people from entering this illicit business.

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