

ARTICLE __. _____

Sec. __-__1. Definitions.

The following words, terms and phrases, whenever used in this article, shall have the meanings set forth in this section, unless the context of their usage clearly indicates a different meaning:

Illicit synthetic drug means:

- (1) Any vegetative material, or herbal or plant material, however constituted, designed, intended, marketed, manufactured, or engineered, that contains any quantity of a synthetic chemical or synthetic chemical compound that has no legitimate relation to the advertised use of the product.
- (2) Any vegetative material, or herbal or plant material with packaging or labeling that indicates, suggests, or implies that the substance is a substitute for or otherwise mimics the pharmacological effects of marihuana ("marijuana"), a controlled substance, or a controlled substance analogue as defined by section 481.002 of the Texas Health and Safety Code.
- (3) Any vegetative material, or herbal or plant material sold with verbal or written representations at the point of sale regarding the purpose, methods, use, or effect of the substance that indicates, suggests, or implies that the substance mimics the pharmacological effects of marihuana ("marijuana"), a controlled substance, or a controlled substance analogue as defined by section 481.002 of the Texas Health and Safety Code.

Sec. __-__2. Prohibition of illicit synthetic drug.

It shall be unlawful for any person to possess, provide, sell, barter, produce, manufacture, distribute, or to offer, display, market or advertise for sale, or purchase with the intent to provide, sell, barter, produce, manufacture, or distribute, or to offer, display, market or advertise for sale any illicit synthetic drug.

Sec. __-__3. Penalty.

Any violation of the provisions of this article shall be and constitute a misdemeanor punishable, upon conviction, by a fine not to exceed \$2,000.00. Each violation shall constitute and be punishable as a separate

offense. Prosecution or conviction under this provision is cumulative of and shall never be a bar to any other civil or administrative remedy provided or allowed in this article or by law.

Sec. __-4. Affirmative defenses.

It is a defense to prosecution under the provisions of this section that the person possessed the illicit synthetic drug under the lawful supervision of an authorized law enforcement officer to enforce or ensure compliance with this section.

Sec. __.5. Seizure.

Any product or substance possessed, provided, sold, bartered, produced, manufactured, distributed, or offered, displayed, marketed or advertised for sale or purchased with the intent to provide, sell, barter, produce, manufacture, or distribute, or to offer, display, market or advertise for sale, in violation of any provision of this section, may be seized by any peace officer.