

AMENDED IN SENATE SEPTEMBER 7, 2001

AMENDED IN SENATE AUGUST 22, 2001

AMENDED IN SENATE AUGUST 20, 2001

AMENDED IN SENATE JULY 5, 2001

AMENDED IN ASSEMBLY MARCH 27, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

**ASSEMBLY BILL**

**No. 258**

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**Introduced by Assembly Member La Suer**  
**(Coauthors: Assembly Members Bates, Bill Campbell, Cohn,**  
**Daucher, Hollingsworth, Leach, Maldonado, Mountjoy,**  
**Pescetti, Richman, Strickland, Wyman, and Zettel)**  
(Coauthor: Senator Margett)

February 14, 2001

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An act to amend Sections 11054, 11055, 11056, 11100, 11377, 11378, 11379, 11380, and 11382 of the Health and Safety Code, relating to controlled substances.

LEGISLATIVE COUNSEL'S DIGEST

AB 258, as amended, La Suer. Controlled substances.

(1) Existing law categorizes controlled substances into 5 schedules and places the greatest restrictions and penalties on those contained in Schedule I including prohibiting the prescribing of any Schedule I controlled substance. Existing law places the controlled substance gamma-hydroxybutyrate or gamma-hydroxybutyric acid (GHB) into Schedule II.

Existing law also makes it a misdemeanor for any manufacturer, wholesaler, retailer, or other person in this state who sells, transfers, or otherwise furnishes any one of specified substances to any person or business entity to fail to submit specified reports to the Department of Justice regarding all those transactions or to sell or furnish those substances to a minor.

This bill would delete GHB from Schedule II, and instead, classify GHB as a Schedule I controlled substance, unless the GHB is contained in a drug product approved pursuant to federal law, as specified, in which case the substance would be classified as a Schedule III controlled substance. The bill would make conforming changes to related provisions. The bill would revise the provision described above requiring a manufacturer, wholesaler, retailer, or other person to make a report to the Department of Justice to include additional specified substances. By expanding the scope of substances to which existing crimes apply, this bill would create new crimes and impose a state-mandated local program.

*(2) This bill would incorporate additional changes in Section 11377 of the Health and Safety Code proposed by AB 98, that would become operative only if AB 98 and this bill are both chaptered and become effective on or before January 1, 2002, and this bill is chaptered last.*

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 11054 of the Health and Safety Code is
- 2 amended to read:
- 3 11054. (a) The controlled substances listed in this section are
- 4 included in Schedule I.
- 5 (b) Opiates. Unless specifically excepted or unless listed in
- 6 another schedule, any of the following opiates, including their
- 7 isomers, esters, ethers, salts, and salts of isomers, esters, and ethers



1 whenever the existence of those isomers, esters, ethers, and salts  
2 is possible within the specific chemical designation:

- 3 (1) Acetylmethadol.
- 4 (2) Allylprodine.
- 5 (3) Alphacetylmethadol (except levoalphacetylmethadol, also  
6 known as levo-alpha- acetylmethadol, levomethadyl acetate, or  
7 LAAM).
- 8 (4) Alphameprodine.
- 9 (5) Alphamethadol.
- 10 (6) Benzethidine.
- 11 (7) Betacetylmethadol.
- 12 (8) Betameprodine.
- 13 (9) Betamethadol.
- 14 (10) Betaprodine.
- 15 (11) Clonitazene.
- 16 (12) Dextromoramide.
- 17 (13) Diampromide.
- 18 (14) Diethylthiambutene.
- 19 (15) Difenoxin.
- 20 (16) Dimenoxadol.
- 21 (17) Dimepheptanol.
- 22 (18) Dimethylthiambutene.
- 23 (19) Dioxaphetyl butyrate.
- 24 (20) Dipipanone.
- 25 (21) Ethylmethylthiambutene.
- 26 (22) Etonitazene.
- 27 (23) Etoxidine.
- 28 (24) Furethidine.
- 29 (25) Hydroxypethidine.
- 30 (26) Ketobemidone.
- 31 (27) Levomoramide.
- 32 (28) Levophenacymorphan.
- 33 (29) Morpheridine.
- 34 (30) Noracymethadol.
- 35 (31) Norlevorphanol.
- 36 (32) Normethadone.
- 37 (33) Norpipanone.
- 38 (34) Phenadoxone.
- 39 (35) Phenampromide.
- 40 (36) Phenomorphan.



- 1 (37) Phenoperidine.
- 2 (38) Piritramide.
- 3 (39) Proheptazine.
- 4 (40) Properidine.
- 5 (41) Propiram.
- 6 (42) Racemoramide.
- 7 (43) Tilidine.
- 8 (44) Trimeperidine.
- 9 (45) Any substance which contains any quantity of
- 10 acetylfentanyl (N-[1-phenethyl-4-piperidinyl] acetanilide) or a
- 11 derivative thereof.
- 12 (46) Any substance which contains any quantity of the
- 13 thiophene analog of acetylfentanyl
- 14 (N-[1-[2-(2-thienyl)ethyl]-4-piperidinyl] acetanilide) or a
- 15 derivative thereof.
- 16 (47) 1-Methyl-4-Phenyl-4-Propionoxypiperidine (MPPP).
- 17 (48) 1-(2-Phenethyl)-4-Phenyl-4-Acetyloxypiperidine
- 18 (PEPAP).
- 19 (c) Opium derivatives. Unless specifically excepted or unless
- 20 listed in another schedule, any of the following opium derivatives,
- 21 its salts, isomers, and salts of isomers whenever the existence of
- 22 those salts, isomers, and salts of isomers is possible within the
- 23 specific chemical designation:
- 24 (1) Acetorphine.
- 25 (2) Acetyldihydrocodeine.
- 26 (3) Benzylmorphine.
- 27 (4) Codeine methylbromide.
- 28 (5) Codeine-N-Oxide.
- 29 (6) Cyprenorphine.
- 30 (7) Desomorphine.
- 31 (8) Dihydromorphine.
- 32 (9) Drotebanol.
- 33 (10) Etorphine (except hydrochloride salt).
- 34 (11) Heroin.
- 35 (12) Hydromorphenol.
- 36 (13) Methyldesorphine.
- 37 (14) Methyldihydromorphine.
- 38 (15) Morphine methylbromide.
- 39 (16) Morphine methylsulfonate.
- 40 (17) Morphine-N-Oxide.



- 1 (18) Myrophine.
- 2 (19) Nicocodeine.
- 3 (20) Nicomorphine.
- 4 (21) Normorphine.
- 5 (22) Pholcodine.
- 6 (23) Thebacon.
- 7 (d) Hallucinogenic substances. Unless specifically excepted or
- 8 unless listed in another schedule, any material, compound,
- 9 mixture, or preparation, which contains any quantity of the
- 10 following hallucinogenic substances, or which contains any of its
- 11 salts, isomers, and salts of isomers whenever the existence of those
- 12 salts, isomers, and salts of isomers is possible within the specific
- 13 chemical designation (for purposes of this subdivision only, the
- 14 term “isomer” includes the optical, position, and geometric
- 15 isomers):
- 16 (1) 4-bromo-2,5-dimethoxy-amphetamine—Some trade or
- 17 other names:
- 18 4-bromo-2,5-dimethoxy-alpha-methylphenethylamine;
- 19 4-bromo-2,5-DMA.
- 20 (2) 2,5-dimethoxyamphetamine—Some trade or other names:
- 21 2,5-dimethoxy-alpha-methylphenethylamine; 2,5-DMA.
- 22 (3) 4-methoxyamphetamine—Some trade or other names:
- 23 4-methoxy-alpha-methylphenethylamine,
- 24 paramethoxyamphetamine, PMA.
- 25 (4) 5-methoxy-3,4-methylenedioxy-amphetamine.
- 26 (5) 4-methyl-2,5-dimethoxy-amphetamine—Some trade or
- 27 other names:
- 28 4-methyl-2,5-dimethoxy-alpha-methylphenethylamine;
- 29 “DOM”; and “STP.”
- 30 (6) 3,4-methylenedioxy amphetamine.
- 31 (7) 3,4,5-trimethoxy amphetamine.
- 32 (8) Bufotenine—Some trade or other names:
- 33 3-(beta-dimethylaminoethyl)-5-hydroxyindole;
- 34 3-(2-dimethylaminoethyl)-5 indolol; N,N-dimethylserolonin,
- 35 5-hydroxy-N,N-dimethyltryptamine; mappine.
- 36 (9) Diethyltryptamine—Some trade or other names:
- 37 N,N-Diethyltryptamine; DET.
- 38 (10) Dimethyltryptamine—Some trade or other names: DMT.



- 1 (11) Ibogaine—Some trade or other names: 7-Ethyl-6,6beta,  
2 7,8,9,10,12,13-octahydro-2-methoxy-6,9-methano-5H-pyrido  
3 [1',2':1,2] azepino [5,4-b] indole; Tabernantheiboga.
- 4 (12) Lysergic acid diethylamide.
- 5 (13) Marijuana.
- 6 (14) Mescaline.
- 7 (15) Peyote—Meaning all parts of the plant presently classified  
8 botanically as *Lophophora williamsii* Lemaire, whether growing  
9 or not, the seeds thereof, any extract from any part of such plant,  
10 and every compound, manufacture, salts, derivative, mixture, or  
11 preparation of such plant, its seeds or extracts (interprets 21 U.S.C.  
12 Sec. 812(c), Schedule 1(c)(12)).
- 13 (16) N-ethyl-3-piperidyl benzilate.
- 14 (17) N-methyl-3-piperidyl benzilate.
- 15 (18) Psilocybin.
- 16 (19) Psilocyn.
- 17 (20) Tetrahydrocannabinols. Synthetic equivalents of the  
18 substances contained in the plant, or in the resinous extractives of  
19 *Cannabis*, sp. and/or synthetic substances, derivatives, and their  
20 isomers with similar chemical structure and pharmacological  
21 activity such as the following: delta 1 cis or trans  
22 tetrahydrocannabinol, and their optical isomers; delta 6 cis or trans  
23 tetrahydrocannabinol, and their optical isomers; delta 3,4 cis or  
24 trans tetrahydrocannabinol, and its optical isomers.
- 25 (Since nomenclature of these substances is not internationally  
26 standardized, compounds of these structures, regardless of  
27 numerical designation of atomic positions covered).
- 28 (21) Ethylamine analog of phencyclidine—Some trade or  
29 other names: N-ethyl-1-phenylcyclohexylamine,  
30 (1-phenylcyclohexyl) ethylamine, N-(1-phenylcyclohexyl)  
31 ethylamine, cyclohexamine, PCE.
- 32 (22) Pyrrolidine analog of phencyclidine—Some trade or other  
33 names: 1-(1-phenylcyclohexyl)-pyrrolidine, PCPy, PHP.
- 34 (23) Thiophene analog of phencyclidine—Some trade or other  
35 names: 1-[1-(2-thienyl)-cyclohexyl]-piperidine, 2-thienyl analog  
36 of phencyclidine, TPCP, TCP.
- 37 (e) Depressants. Unless specifically excepted or unless listed in  
38 another schedule, any material, compound, mixture, or  
39 preparation which contains any quantity of the following  
40 substances having a depressant effect on the central nervous



1 system, including its salts, isomers, and salts of isomers whenever  
2 the existence of those salts, isomers, and salts of isomers is  
3 possible within the specific chemical designation:

4 (1) Mecloqualone.

5 (2) Methaqualone.

6 (3) Gamma hydroxybutyric acid (also known by other names  
7 such as GHB; gamma hydroxy butyrate; 4-hydroxybutyrate;  
8 4-hydroxybutanoic acid; sodium oxybate; sodium oxybutyrate),  
9 including its immediate precursors, isomers, esters, ethers, salts,  
10 and salts of isomers, esters, and ethers, including, but not limited  
11 to, gammabutyrolactone, for which an application has not been  
12 approved under Section 505 of the Federal Food, Drug, and  
13 Cosmetic Act (21 U.S.C. Sec. 355).

14 (f) Unless specifically excepted or unless listed in another  
15 schedule, any material, compound, mixture, or preparation which  
16 contains any quantity of the following substances having a  
17 stimulant effect on the central nervous system, including its  
18 isomers:

19 (1) Cocaine base.

20 (2) Fenethylamine, including its salts.

21 (3) N-Ethylamphetamine, including its salts.

22 SEC. 2. Section 11055 of the Health and Safety Code is  
23 amended to read:

24 11055. (a) The controlled substances listed in this section are  
25 included in Schedule II.

26 (b) Any of the following substances, except those narcotic  
27 drugs listed in other schedules, whether produced directly or  
28 indirectly by extraction from substances of vegetable origin, or  
29 independently by means of chemical synthesis, or by combination  
30 of extraction and chemical synthesis:

31 (1) Opium, opiate, and any salt, compound, derivative, or  
32 preparation of opium or opiate, with the exception of naloxone  
33 hydrochloride (N-allyl-14-hydroxy-nordihydromorphinone  
34 hydrochloride), but including the following:

35 (A) Raw opium.

36 (B) Opium extracts.

37 (C) Opium fluid extracts.

38 (D) Powdered opium.

39 (E) Granulated opium.

40 (F) Tincture of opium.



- 1 (G) Apomorphine.
- 2 (H) Codeine.
- 3 (I) Ethylmorphine.
- 4 (J) Hydrocodone.
- 5 (K) Hydromorphone.
- 6 (L) Metopon.
- 7 (M) Morphine.
- 8 (N) Oxycodone.
- 9 (O) Oxymorphone.
- 10 (P) Thebaine.
- 11 (2) Any salt, compound, isomer, or derivative, whether natural
- 12 or synthetic, of the substances referred to in paragraph (1), but not
- 13 including the isoquinoline alkaloids of opium.
- 14 (3) Opium poppy and poppy straw.
- 15 (4) Coca leaves and any salt, compound, derivative, or
- 16 preparation of coca leaves, but not including decocainized coca
- 17 leaves or extractions which do not contain cocaine or ecgonine.
- 18 (5) Concentrate of poppy straw (the crude extract of poppy
- 19 straw in either liquid, solid, or powder form which contains the
- 20 phenanthrene alkaloids of the opium poppy).
- 21 (6) Cocaine, except as specified in Section 11054.
- 22 (7) Ecgonine, whether natural or synthetic, or any salt, isomer,
- 23 derivative, or preparation thereof.
- 24 (c) Opiates. Unless specifically excepted or unless in another
- 25 schedule, any of the following opiates, including its isomers,
- 26 esters, ethers, salts, and salts of isomers, esters, and ethers
- 27 whenever the existence of those isomers, esters, ethers, and salts
- 28 is possible within the specific chemical designation, dextrophan
- 29 and levopropoxyphene excepted:
- 30 (1) Alfentanyl.
- 31 (2) Alphaprodine.
- 32 (3) Anileridine.
- 33 (4) Bezitramide.
- 34 (5) Bulk dextropropoxyphene (nondosage forms).
- 35 (6) Dihydrocodeine.
- 36 (7) Diphenoxylate.
- 37 (8) Fentanyl.
- 38 (9) Isomethadone.
- 39 (10) Levoalphacetylmethadol, also known as
- 40 levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM.



1 This substance is authorized for the treatment of narcotic addicts  
2 under federal law (see Part 291 (commencing with Section  
3 291.501) and Part 1308 (commencing with Section 1308.01) of  
4 Title 21 of the Code of Federal Regulations).

- 5 (11) Levomethorphan.
- 6 (12) Levorphanol.
- 7 (13) Metazocine.
- 8 (14) Methadone.
- 9 (15) Methadone-Intermediate, 4-cyano-2-dimethylamino-4,  
10 4-diphenyl butane.
- 11 (16) Moramide-Intermediate, 2-methyl-3-morpholino-1,  
12 1-diphenylpropane-carboxylic acid.
- 13 (17) Pethidine (meperidine).
- 14 (18) Pethidine-Intermediate-A,  
15 4-cyano-1-methyl-4-phenylpiperidine.
- 16 (19) Pethidine-Intermediate-B,  
17 ethyl-4-phenylpiperidine-4-carboxylate.
- 18 (20) Pethidine-Intermediate-C,  
19 1-methyl-4-phenylpiperidine-4-carboxylic acid.
- 20 (21) Phenazocine.
- 21 (22) Piminodine.
- 22 (23) Racemethorphan.
- 23 (24) Racemorphan.
- 24 (25) Sufentanyl.

25 (d) Stimulants. Unless specifically excepted or unless listed in  
26 another schedule, any material, compound, mixture, or  
27 preparation which contains any quantity of the following  
28 substances having a stimulant effect on the central nervous system:

- 29 (1) Amphetamine, its salts, optical isomers, and salts of its  
30 optical isomers.
- 31 (2) Methamphetamine, its salts, isomers, and salts of its  
32 isomers.
- 33 (3) Dimethylamphetamine (N,N-dimethylamphetamine), its  
34 salts, isomers, and salts of its isomers.
- 35 (4) N-Ethylmethamphetamine (N-ethyl,  
36 N-methylamphetamine), its salts, isomers, and salts of its isomers.
- 37 (5) Phenmetrazine and its salts.
- 38 (6) Methylphenidate.

39 (e) Depressants. Unless specifically excepted or unless listed in  
40 another schedule, any material, compound, mixture, or



1 preparation which contains any quantity of the following  
2 substances having a depressant effect on the central nervous  
3 system, including its salts, isomers, and salts of isomers whenever  
4 the existence of those salts, isomers, and salts of isomers is  
5 possible within the specific chemical designation:

6 (1) Amobarbital.

7 (2) Pentobarbital.

8 (3) Phencyclidines, including the following:

9 (A) 1-(1-phenylcyclohexyl) piperidine (PCP).

10 (B) 1-(1-phenylcyclohexyl) morpholine (PCM).

11 (C) Any analog of phencyclidine which is added by the  
12 Attorney General by regulation pursuant to this paragraph.

13 The Attorney General, or his or her designee, may, by rule or  
14 regulation, add additional analogs of phencyclidine to those  
15 enumerated in this paragraph after notice, posting, and hearing  
16 pursuant to Chapter 3.5 (commencing with Section 11340) of Part  
17 1 of Division 3 of Title 2 of the Government Code. The Attorney  
18 General shall, in the calendar year of the regular session of the  
19 Legislature in which the rule or regulation is adopted, submit a  
20 draft of a proposed bill to each house of the Legislature which  
21 would incorporate the analogs into this code. No rule or regulation  
22 shall remain in effect beyond January 1 after the calendar year of  
23 the regular session in which the draft of the proposed bill is  
24 submitted to each house. However, if the draft of the proposed bill  
25 is submitted during a recess of the Legislature exceeding 45  
26 calendar days, the rule or regulation shall be effective until January  
27 1 after the next calendar year.

28 (4) Secobarbital.

29 (5) Glutethimide.

30 (f) Immediate precursors. Unless specifically excepted or  
31 unless listed in another schedule, any material, compound,  
32 mixture, or preparation which contains any quantity of the  
33 following substances:

34 (1) Immediate precursor to amphetamine and  
35 methamphetamine:

36 (A) Phenylacetone. Some trade or other names: phenyl-2  
37 propanone; P2P; benzyl methyl ketone; methyl benzyl ketone.

38 (2) Immediate precursors to phencyclidine (PCP):

39 (A) 1-phenylcyclohexylamine.

40 (B) 1-piperidinocyclohexane carbonitrile (PCC).



1 SEC. 3. Section 11056 of the Health and Safety Code is  
2 amended to read:

3 11056. (a) The controlled substances listed in this section are  
4 included in Schedule III.

5 (b) Stimulants. Unless specifically excepted or unless listed in  
6 another schedule, any material, compound, mixture, or  
7 preparation which contains any quantity of the following  
8 substances having a stimulant effect on the central nervous system,  
9 including its salts, isomers (whether optical, position, or  
10 geometric), and salts of those isomers whenever the existence of  
11 those salts, isomers, and salts of isomers is possible within the  
12 specific chemical designation:

13 (1) Those compounds, mixtures, or preparations in dosage unit  
14 form containing any stimulant substances listed in Schedule II  
15 which compounds, mixtures, or preparations were listed on  
16 August 25, 1971, as excepted compounds under Section 1308.32  
17 of Title 21 of the Code of Federal Regulations, and any other drug  
18 of the quantitative composition shown in that list for those drugs  
19 or which is the same except that it contains a lesser quantity of  
20 controlled substances.

21 (2) Benzphetamine.

22 (3) Chlorphentermine.

23 (4) Clortermine.

24 (5) Mazindol.

25 (6) Phendimetrazine.

26 (c) Depressants. Unless specifically excepted or unless listed in  
27 another schedule, any material, compound, mixture, or  
28 preparation which contains any quantity of the following  
29 substances having a depressant effect on the central nervous  
30 system:

31 (1) Any compound, mixture, or preparation containing any of  
32 the following:

33 (A) Amobarbital

34 (B) Secobarbital

35 (C) Pentobarbital

36 or any salt thereof and one or more other active medicinal  
37 ingredients which are not listed in any schedule.

38 (2) Any suppository dosage form containing any of the  
39 following:

40 (A) Amobarbital



- 1 (B) Secobarbital  
2 (C) Pentobarbital  
3 or any salt of any of these drugs and approved by the federal Food  
4 and Drug Administration for marketing only as a suppository.  
5 (3) Any substance which contains any quantity of a derivative  
6 of barbituric acid or any salt thereof.  
7 (4) Chlorhexadol.  
8 (5) Lysergic acid.  
9 (6) Lysergic acid amide.  
10 (7) Methyprylon.  
11 (8) Sulfondiethylmethane.  
12 (9) Sulfonethylmethane.  
13 (10) Sulfonmethane.  
14 (11) Gamma hydroxybutyric acid, and its salts, isomers and  
15 salts of isomers, contained in a drug product for which an  
16 application has been approved under Section 505 of the Federal  
17 Food, Drug, and Cosmetic Act (21 U.S.C. Sec. 355).  
18 (d) Nalorphine.  
19 (e) Narcotic drugs. Unless specifically excepted or unless listed  
20 in another schedule, any material, compound, mixture, or  
21 preparation containing any of the following narcotic drugs, or their  
22 salts calculated as the free anhydrous base or alkaloid, in limited  
23 quantities as set forth below:  
24 (1) Not more than 1.8 grams of codeine per 100 milliliters or  
25 not more than 90 milligrams per dosage unit, with an equal or  
26 greater quantity of an isoquinoline alkaloid of opium.  
27 (2) Not more than 1.8 grams of codeine per 100 milliliters or  
28 not more than 90 milligrams per dosage unit, with one or more  
29 active, nonnarcotic ingredients in recognized therapeutic  
30 amounts.  
31 (3) Not more than 300 milligrams of dihydrocodeinone per 100  
32 milliliters or not more than 15 milligrams per dosage unit, with a  
33 fourfold or greater quantity of an isoquinoline alkaloid of opium.  
34 (4) Not more than 300 milligrams of dihydrocodeinone per 100  
35 milliliters or not more than 15 milligrams per dosage unit, with one  
36 or more active nonnarcotic ingredients in recognized therapeutic  
37 amounts. Additionally, oral liquid preparations of  
38 dihydrocodeinone containing the above specified amounts may  
39 not contain as its nonnarcotic ingredients two or more  
40 antihistamines in combination with each other.



1 (5) Not more than 1.8 grams of dihydrocodeine per 100  
2 milliliters or not more than 90 milligrams per dosage unit, with one  
3 or more active nonnarcotic ingredients in recognized therapeutic  
4 amounts.

5 (6) Not more than 300 milligrams of ethylmorphine per 100  
6 milliliters or not more than 15 milligrams per dosage unit, with one  
7 or more active, nonnarcotic ingredients in recognized therapeutic  
8 amounts.

9 (7) Not more than 500 milligrams of opium per 100 milliliters  
10 or per 100 grams or not more than 25 milligrams per dosage unit,  
11 with one or more active, nonnarcotic ingredients in recognized  
12 therapeutic amounts.

13 (8) Not more than 50 milligrams of morphine per 100  
14 milliliters or per 100 grams, with one or more active, nonnarcotic  
15 ingredients in recognized therapeutic amounts.

16 (f) Anabolic steroids and chorionic gonadotropin. Any  
17 material, compound, mixture, or preparation containing chorionic  
18 gonadotropin or an anabolic steroid (excluding anabolic steroid  
19 products listed in the “Table of Exempt Anabolic Steroid  
20 Products” (Section 1308.34 of Title 21 of the Code of Federal  
21 Regulations), as exempt from the federal Controlled Substances  
22 Act (Section 801 and following of Title 21 of the United States  
23 Code)), including, but not limited to, the following:

- 24 (1) Androisoxazole.
- 25 (2) Androstenediol.
- 26 (3) Bolandiol.
- 27 (4) Bolasterone.
- 28 (5) Boldenone.
- 29 (6) Chlormethandienone.
- 30 (7) Clostebol.
- 31 (8) Dihydromesterone.
- 32 (9) Ethylestrenol.
- 33 (10) Fluoxymesterone.
- 34 (11) Formyldienolone.
- 35 (12) 4-Hydroxy-19-nortestosterone.
- 36 (13) Mesterolone.
- 37 (14) Methandriol.
- 38 (15) Methandrostenolone.
- 39 (16) Methenolone.
- 40 (17) 17-Methyltestosterone.



- 1 (18) Methyltrienolone.
- 2 (19) Nandrolone.
- 3 (20) Norbolethone.
- 4 (21) Norethandrolone.
- 5 (22) Normethandrolone.
- 6 (23) Oxandrolone.
- 7 (24) Oxymestron.
- 8 (25) Oxymetholone.
- 9 (26) Quinbolone.
- 10 (27) Stanolone.
- 11 (28) Stanozolol.
- 12 (29) Stenbolone.
- 13 (30) Testosterone.
- 14 (31) Trenbolone.
- 15 (32) Chorionic Gonadotropin (HGC).
- 16 (g) Ketamine. Any material, compound, mixture, or
- 17 preparation containing ketamine.
- 18 (h) Hallucinogenic substances. Any of the following
- 19 hallucinogenic substances: dronabinol (synthetic) in sesame oil
- 20 and encapsulated in a soft gelatin capsule in a drug product
- 21 approved by the federal Food and Drug Administration.
- 22 SEC. 4. Section 11100 of the Health and Safety Code is
- 23 amended to read:
- 24 11100. (a) Any manufacturer, wholesaler, retailer, or other
- 25 person in this state who sells, transfers, or otherwise furnishes any
- 26 of the following substances to any person or business entity in this
- 27 state or any other state shall submit a report to the Department of
- 28 Justice of all of those transactions:
- 29 (1) Phenyl-2-propanone.
- 30 (2) Methylamine.
- 31 (3) Ethylamine.
- 32 (4) D-lysergic acid.
- 33 (5) Ergotamine tartrate.
- 34 (6) Diethyl malonate.
- 35 (7) Malonic acid.
- 36 (8) Ethyl malonate.
- 37 (9) Barbituric acid.
- 38 (10) Piperidine.
- 39 (11) N-acetylanthranilic acid.
- 40 (12) Pyrrolidine.



- 1 (13) Phenylacetic acid.
- 2 (14) Anthranilic acid.
- 3 (15) Morpholine.
- 4 (16) Ephedrine.
- 5 (17) Pseudoephedrine.
- 6 (18) Norpseudoephedrine.
- 7 (19) Phenylpropanolamine.
- 8 (20) Propionic anhydride.
- 9 (21) Isosafrole.
- 10 (22) Safrole.
- 11 (23) Piperonal.
- 12 (24) Thionylchloride.
- 13 (25) Benzyl cyanide.
- 14 (26) Ergonovine maleate.
- 15 (27) N-methylephedrine.
- 16 (28) N-ethylephedrine.
- 17 (29) N-methylpseudoephedrine.
- 18 (30) N-ethylpseudoephedrine.
- 19 (31) Chloroephedrine.
- 20 (32) Chloropseudoephedrine.
- 21 (33) Hydriodic acid.
- 22 (34) Gamma-butyrolactone, including butyrolactone;  
23 butyrolactone gamma; 4-butyrolactone; 2(3H)-furanone dihydro;  
24 dihydro-2(3H)-furanone; tetrahydro-2-furanone; 1,2-butanolide;  
25 1,4-butanolide; 4-butanolide; gamma-hydroxybutyric acid  
26 lactone; 3-hydroxybutyric acid lactone and 4-hydroxybutanoic  
27 acid lactone with Chemical Abstract Service number (96-48-0).
- 28 (35) 1,4-butanediol, including butanediol; butane-1,4-diol;  
29 1,4-butylene glycol; butylene glycol; 1,4-dihydroxybutane;  
30 1,4-tetramethylene glycol; tetramethylene glycol; tetramethylene  
31 1,4-diol with Chemical Abstract Service number (110-63-4).
- 32 (36) Any of the substances listed by the Department of Justice  
33 in regulations promulgated pursuant to subdivision (b).
- 34 (b) The Department of Justice may adopt rules and regulations  
35 in accordance with Chapter 3.5 (commencing with Section 11340)  
36 of Part 1 of Division 3 of Title 2 of the Government Code that add  
37 substances to subdivision (a) if the substance is a precursor to a  
38 controlled substance and delete substances from subdivision (a).
- 39 However, no regulation adding or deleting a substance shall have



1 any effect beyond March 1 of the year following the calendar year  
2 during which the regulation was adopted.

3 (c) (1) Any manufacturer, wholesaler, retailer, or other person  
4 in this state, prior to selling, transferring, or otherwise furnishing  
5 any substance specified in subdivision (a) to any person or  
6 business entity in this state or any other state, shall require (A) a  
7 letter of authorization from that person or business entity that  
8 includes the currently valid business license number or federal  
9 Drug Enforcement Administration (DEA) registration number,  
10 the address of the business, and a full description of how the  
11 substance is to be used, and (B) proper identification from the  
12 purchaser. The requirement for a full description of how the  
13 substance is to be used does not require the person or business  
14 entity to reveal their chemical processes that are typically  
15 considered trade secrets and proprietary information.

16 (2) For the purposes of this subdivision, “proper  
17 identification” for in-state or out-of-state purchasers includes a  
18 valid motor vehicle operator’s license or other official and valid  
19 state-issued identification of the purchaser, or individual  
20 representing the purchasing business entity, which contains a  
21 photograph of the purchaser or purchasing individual, and  
22 includes the current domicile or mailing address of the purchaser  
23 or purchasing individual, other than a post office box number.  
24 “Proper identification” also includes the motor vehicle license  
25 number of the motor vehicle used by the purchaser or purchasing  
26 individual at the time of transfer or the name of the common carrier  
27 and the name and valid motor vehicle operator license number of  
28 the driver of the common carrier, and the signature of the  
29 purchaser, purchasing individual, or driver of the common carrier.  
30 The person selling, transferring, or otherwise furnishing any  
31 substance specified in subdivision (a) shall affix his or her  
32 signature as a witness to the signature and identification of the  
33 purchaser, purchasing individual, or driver of the common carrier.

34 (d) Any manufacturer, wholesaler, retailer, or other person in  
35 this state who sells, transfers, or otherwise furnishes a substance  
36 specified in subdivision (a) to a person or business entity in this  
37 state or any other state shall, not less than 21 days prior to delivery  
38 of the substance, submit a report of the transaction, which includes  
39 the identification information specified in subdivision (c), to the  
40 Department of Justice. However, the Department of Justice may



1 authorize the submission of the reports on a monthly basis with  
2 respect to repeated, regular transactions between the furnisher and  
3 the recipient involving the substance or substances if the  
4 Department of Justice determines that the following exist:

5 (1) A pattern of regular supply of the substance or substances  
6 exists between the manufacturer, wholesaler, retailer, or other  
7 person who sells, transfers, or otherwise furnishes the substance or  
8 substances and the recipient of the substance or substances.

9 (2) The recipient has established a record of utilization of the  
10 substance or substances for lawful purposes.

11 (e) This section shall not apply to any of the following:

12 (1) Any pharmacist or other authorized person who sells or  
13 furnishes a substance upon the prescription of a physician, dentist,  
14 podiatrist, or veterinarian.

15 (2) Any physician, dentist, podiatrist, or veterinarian who  
16 administers or furnishes a substance to his or her patients.

17 (3) Any manufacturer licensed by the State Department of  
18 Health Services or wholesaler licensed by the California State  
19 Board of Pharmacy who sells, transfers, or otherwise furnishes a  
20 substance to a licensed pharmacy, physician, dentist, podiatrist,  
21 veterinarian, or retail distributor as defined in subdivision (h),  
22 provided that the manufacturer or wholesaler submits records of  
23 any suspicious sales or transfers as determined by the Department  
24 of Justice.

25 (4) (A) Any sale, transfer, furnishing, or receipt of any drug  
26 which contains ephedrine, pseudoephedrine,  
27 norpseudoephedrine, or phenylpropanolamine and which is  
28 lawfully sold, transferred, or furnished over the counter without a  
29 prescription pursuant to the federal Food, Drug, and Cosmetic Act  
30 (21 U.S.C. Sec. 301 et seq.) or regulations adopted thereunder.  
31 However, this section shall apply to preparations in solid or liquid  
32 dosage form, except pediatric liquid forms, as defined, containing  
33 ephedrine, pseudoephedrine, norpseudoephedrine, or  
34 phenylpropanolamine where the individual transaction involves  
35 more than three packages or nine grams of ephedrine,  
36 pseudoephedrine, norpseudoephedrine, or phenylpropanolamine.

37 (B) Any ephedrine, pseudoephedrine, norpseudoephedrine, or  
38 phenylpropanolamine product subsequently removed from  
39 exemption pursuant to Section 814 of Title 21 of the United States  
40 Code shall similarly no longer be exempt from any state reporting



1 or permitting requirement, unless otherwise reinstated pursuant to  
2 subdivision (d) or (e) of Section 814 of Title 21 of the United States  
3 Code as an exempt product.

4 (5) Any transfer of a substance specified in subdivision (a) for  
5 purposes of lawful disposal as waste.

6 (f) (1) Any person specified in subdivision (a) or (d) who does  
7 not submit a report as required by that subdivision or who  
8 knowingly submits a report with false or fictitious information  
9 shall be punished by imprisonment in a county jail not exceeding  
10 six months, by a fine not exceeding five thousand dollars (\$5,000),  
11 or by both the fine and imprisonment.

12 (2) Any person specified in subdivision (a) or (d) who has  
13 previously been convicted of a violation of paragraph (1) shall,  
14 upon a subsequent conviction thereof, be punished by  
15 imprisonment in the state prison, or by imprisonment in a county  
16 jail not exceeding one year, by a fine not exceeding one hundred  
17 thousand dollars (\$100,000), or by both the fine and  
18 imprisonment.

19 (g) (1) Except as otherwise provided in subparagraph (A) of  
20 paragraph (4) of subdivision (e), it is unlawful for any  
21 manufacturer, wholesaler, retailer, or other person to sell, transfer,  
22 or otherwise furnish a substance specified in subdivision (a) to a  
23 person under 18 years of age.

24 (2) Except as otherwise provided in subparagraph (A) of  
25 paragraph (4) of subdivision (e), it is unlawful for any person  
26 under 18 years of age to possess a substance specified in  
27 subdivision (a).

28 (3) Notwithstanding any other law, it is unlawful for any retail  
29 distributor to (i) sell in a single transaction more than three  
30 packages of a product that he or she knows to contain ephedrine,  
31 pseudoephedrine, norpseudoephedrine, or phenylpropanolamine,  
32 or (ii) knowingly sell more than nine grams of ephedrine,  
33 pseudoephedrine, norpseudoephedrine, or phenylpropanolamine,  
34 other than pediatric liquids as defined. Except as otherwise  
35 provided in this section, the three package per transaction  
36 limitation or nine gram per transaction limitation imposed by this  
37 paragraph shall apply to any product that is lawfully sold,  
38 transferred, or furnished over the counter without a prescription  
39 pursuant to the federal Food, Drug, and Cosmetic Act (21 U.S.C.  
40 Sec. 301 et seq.), or regulations adopted thereunder, unless



1 exempted from the requirements of the federal Controlled  
2 Substances Act by the federal Drug Enforcement Administration  
3 pursuant to Section 814 of Title 21 of the United States Code.

4 (4) A violation of this subdivision is a misdemeanor.

5 (h) For the purposes of this article, the following terms have the  
6 following meanings:

7 (1) “Drug store” is any entity described in Code 5912 of the  
8 Standard Industrial Classification (SIC) Manual published by the  
9 United States Office of Management and Budget, 1987 edition.

10 (2) “General merchandise store” is any entity described in  
11 Codes 5311 to 5399, inclusive, and Code 5499 of the Standard  
12 Industrial Classification (SIC) Manual published by the United  
13 States Office of Management and Budget, 1987 edition.

14 (3) “Grocery store” is any entity described in Code 5411 of the  
15 Standard Industrial Classification (SIC) Manual published by the  
16 United States Office of Management and Budget, 1987 edition.

17 (4) “Pediatric liquid” means a nonencapsulated liquid whose  
18 unit measure according to product labeling is stated in milligrams,  
19 ounces, or other similar measure. In no instance shall the dosage  
20 units exceed 15 milligrams of phenylpropanolamine or  
21 pseudoephedrine per five milliliters of liquid product, except for  
22 liquid products primarily intended for administration to children  
23 under two years of age for which the recommended dosage unit  
24 does not exceed two milliliters and the total package content does  
25 not exceed one fluid ounce.

26 (5) “Retail distributor” means a grocery store, general  
27 merchandise store, drugstore, or other related entity, the activities  
28 of which, as a distributor of ephedrine, pseudoephedrine,  
29 norpseudoephedrine, or phenylpropanolamine products, are  
30 limited exclusively to the sale of ephedrine, pseudoephedrine,  
31 norpseudoephedrine, or phenylpropanolamine products for  
32 personal use both in number of sales and volume of sales, either  
33 directly to walk-in customers or in face-to-face transactions by  
34 direct sales. “Retail distributor” includes an entity that makes a  
35 direct sale, but does not include the parent company of that entity  
36 if the company is not involved in direct sales regulated by this  
37 article.

38 (6) “Sale for personal use” means the sale in a single  
39 transaction to an individual customer for a legitimate medical use  
40 of a product containing ephedrine, pseudoephedrine,



1 norpseudoephedrine, or phenylpropanolamine in dosages at or  
2 below that specified in paragraph (3) of subdivision (g). “Sale for  
3 personal use” also includes the sale of those products to employers  
4 to be dispensed to employees from first-aid kits or medicine chests.

5 (i) It is the intent of the Legislature that this section shall  
6 preempt all local ordinances or regulations governing the sale by  
7 a retail distributor of over-the-counter products containing  
8 ephedrine, pseudoephedrine, norpseudoephedrine, or  
9 phenylpropanolamine.

10 SEC. 5. Section 11377 of the Health and Safety Code is  
11 amended to read:

12 11377. (a) Except as authorized by law and as otherwise  
13 provided in subdivision (b) or in Article 7 (commencing with  
14 Section 4211) of Chapter 9 of Division 2 of the Business and  
15 Professions Code, every person who possesses any controlled  
16 substance which is (1) classified in Schedule III, IV, or V, and  
17 which is not a narcotic drug, (2) specified in subdivision (d) of  
18 Section 11054, except paragraphs (13), (14), (15), and (20) of  
19 subdivision (d), (3) specified in paragraph (11) of subdivision (c)  
20 of Section 11056, (4) specified in paragraph (2) or (3) of  
21 subdivision (f) of Section 11054, or (5) specified in subdivision  
22 (d), (e), or (f) of Section 11055, unless upon the prescription of a  
23 physician, dentist, podiatrist, or veterinarian, licensed to practice  
24 in this state, shall be punished by imprisonment in a county jail for  
25 a period of not more than one year or in the state prison.

26 (b) (1) Any person who violates subdivision (a) by unlawfully  
27 possessing a controlled substance specified in subdivision (f) of  
28 Section 11056, and who has not previously been convicted of such  
29 a violation involving a controlled substance specified in  
30 subdivision (f) of Section 11056, is guilty of a misdemeanor.

31 (2) Any person who violates subdivision (a) by unlawfully  
32 possessing a controlled substance specified in subdivision (g) of  
33 Section 11056 is guilty of a misdemeanor.

34 (c) In addition to any fine assessed under subdivision (b), the  
35 judge may assess a fine not to exceed seventy dollars (\$70) against  
36 any person who violates subdivision (a), with the proceeds of this  
37 fine to be used in accordance with Section 1463.23 of the Penal  
38 Code. The court shall, however, take into consideration the  
39 defendant’s ability to pay, and no defendant shall be denied



1 probation because of his or her inability to pay the fine permitted  
2 under this subdivision.

3 *SEC. 5.5. Section 11377 of the Health and Safety Code is*  
4 *amended to read:*

5 11377. (a) Except as authorized by law and as otherwise  
6 provided in subdivision (b) or *Section 11375, or* in Article 7  
7 (commencing with Section 4211) of Chapter 9 of Division 2 of the  
8 Business and Professions Code, every person who possesses any  
9 controlled substance which is (1) classified in Schedule III, IV, or  
10 V, and which is not a narcotic drug, (2) specified in subdivision (d)  
11 of Section 11054, except paragraphs (13), (14), (15), and (20) of  
12 subdivision (d), (3) *specified in paragraph (11) of subdivision (c)*  
13 *of Section 11056*, (4) specified in paragraph (2) or (3) of  
14 subdivision (f) of Section 11054, or ~~(4)~~(5) specified in subdivision  
15 (d), (e), or (f) of Section 11055, unless upon the prescription of a  
16 physician, dentist, podiatrist, or veterinarian, licensed to practice  
17 in this state, shall be punished by imprisonment in a county jail for  
18 a period of not more than one year or in the state prison.

19 (b) (1) Any person who violates subdivision (a) by unlawfully  
20 possessing a controlled substance specified in subdivision (f) of  
21 Section 11056, and who has not previously been convicted of such  
22 a violation involving a controlled substance specified in  
23 subdivision (f) of Section 11056, is guilty of a misdemeanor.

24 (2) Any person who violates subdivision (a) by unlawfully  
25 possessing a controlled substance specified in subdivision (g) of  
26 Section 11056 is guilty of a misdemeanor.

27 (c) In addition to any fine assessed under subdivision (b), the  
28 judge may assess a fine not to exceed seventy dollars (\$70) against  
29 any person who violates subdivision (a), with the proceeds of this  
30 fine to be used in accordance with Section 1463.23 of the Penal  
31 Code. The court shall, however, take into consideration the  
32 defendant's ability to pay, and no defendant shall be denied  
33 probation because of his or her inability to pay the fine permitted  
34 under this subdivision.

35 *SEC. 6. Section 11378 of the Health and Safety Code is*  
36 *amended to read:*

37 11378. Except as otherwise provided in Article 7  
38 (commencing with Section 4211) of Chapter 9 of Division 2 of the  
39 Business and Professions Code, every person who possesses for  
40 sale any controlled substance which is (1) classified in Schedule



1 III, IV, or V and which is not a narcotic drug, except subdivision  
2 (g) of Section 11056, (2) specified in subdivision (d) of Section  
3 11054, except paragraphs (13), (14), (15), (20), (21), (22), and  
4 (23) of subdivision (d), (3) specified in paragraph (11) of  
5 subdivision (c) of Section 11056, (4) specified in paragraph (2) or  
6 (3) of subdivision (f) of Section 11054, or (5) specified in  
7 subdivision (d), (e), or (f), except paragraph (3) of subdivision (e)  
8 and subparagraphs (A) and (B) of paragraph (2) of subdivision (f),  
9 of Section 11055, shall be punished by imprisonment in the state  
10 prison.

11 SEC. 7. Section 11379 of the Health and Safety Code is  
12 amended to read:

13 11379. (a) Except as otherwise provided in subdivision (b)  
14 and in Article 7 (commencing with Section 4211) of Chapter 9 of  
15 Division 2 of the Business and Professions Code, every person  
16 who transports, imports into this state, sells, furnishes,  
17 administers, or gives away, or offers to transport, import into this  
18 state, sell, furnish, administer, or give away, or attempts to import  
19 into this state or transport any controlled substance which is (1)  
20 classified in Schedule III, IV, or V and which is not a narcotic drug,  
21 except subdivision (g) of Section 11056, (2) specified in  
22 subdivision (d) of Section 11054, except paragraphs (13), (14),  
23 (15), (20), (21), (22), and (23) of subdivision (d), (3) specified in  
24 paragraph (11) of subdivision (c) of Section 11056, (4) specified  
25 in paragraph (2) or (3) of subdivision (f) of Section 11054, or (5)  
26 specified in subdivision (d) or (e), except paragraph (3) of  
27 subdivision (e), or specified in subparagraph (A) of paragraph (1)  
28 of subdivision (f), of Section 11055, unless upon the prescription  
29 of a physician, dentist, podiatrist, or veterinarian, licensed to  
30 practice in this state, shall be punished by imprisonment in the state  
31 prison for a period of two, three, or four years.

32 (b) Notwithstanding the penalty provisions of subdivision (a),  
33 any person who transports for sale any controlled substances  
34 specified in subdivision (a) within this state from one county to  
35 another noncontiguous county shall be punished by imprisonment  
36 in the state prison for three, six, or nine years.

37 SEC. 8. Section 11380 of the Health and Safety Code is  
38 amended to read:

39 11380. (a) Every person 18 years of age or over who violates  
40 any provision of this chapter involving controlled substances



1 which are (1) classified in Schedule III, IV, or V and which are not  
2 narcotic drugs or (2) specified in subdivision (d) of Section 11054,  
3 except paragraphs (13), (14), (15), and (20) of subdivision (d),  
4 specified in paragraph (11) of subdivision (c) of Section 11056,  
5 specified in paragraph (2) or (3) or subdivision (f) of Section  
6 11054, or specified in subdivision (d), (e), or (f) of Section 11055,  
7 by the use of a minor as agent, who solicits, induces, encourages,  
8 or intimidates any minor with the intent that the minor shall violate  
9 any provision of this article involving those controlled substances  
10 or who unlawfully furnishes, offers to furnish, or attempts to  
11 furnish those controlled substances to a minor shall be punished by  
12 imprisonment in the state prison for a period of three, six, or nine  
13 years.

14 (b) Nothing in this section applies to a registered pharmacist  
15 furnishing controlled substances pursuant to a prescription.

16 SEC. 9. Section 11382 of the Health and Safety Code is  
17 amended to read:

18 11382. Every person who agrees, consents, or in any manner  
19 offers to unlawfully sell, furnish, transport, administer, or give any  
20 controlled substance which is (1) classified in Schedule III, IV, or  
21 V and which is not a narcotic drug, or (2) specified in subdivision  
22 (d) of Section 11054, except paragraphs (13), (14), (15), and (20)  
23 of subdivision (d), specified in paragraph (11) of subdivision (c)  
24 of Section 11056, or specified in subdivision (d), (e), or (f) of  
25 Section 11055, to any person, or offers, arranges, or negotiates to  
26 have any such controlled substance unlawfully sold, delivered,  
27 transported, furnished, administered, or given to any person and  
28 then sells, delivers, furnishes, transports, administers, or gives, or  
29 offers, or arranges, or negotiates to have sold, delivered,  
30 transported, furnished, administered, or given to any person any  
31 other liquid, substance, or material in lieu of any such controlled  
32 substance shall be punished by imprisonment in the county jail for  
33 not more than one year, or in the state prison.

34 SEC. 10. *Section 5.5 of this bill incorporates amendments to*  
35 *Section 11377 of the Health and Safety Code proposed by both this*  
36 *bill and AB 98. It shall only become operative if (1) both bills are*  
37 *enacted and become effective on or before January 1, 2002, (2)*  
38 *each bill amends Section 11377 of the Health and Safety Code, and*  
39 *(3) this bill is enacted after AB 98, in which case Section 5 of this*  
40 *bill shall not become operative.*



1     *SEC. 11.* No reimbursement is required by this act pursuant  
2 to Section 6 of Article XIII B of the California Constitution  
3 because the only costs that may be incurred by a local agency or  
4 school district will be incurred because this act creates a new crime  
5 or infraction, eliminates a crime or infraction, or changes the  
6 penalty for a crime or infraction, within the meaning of Section  
7 17556 of the Government Code, or changes the definition of a  
8 crime within the meaning of Section 6 of Article XIII B of the  
9 California Constitution.

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