

AMENDED IN SENATE APRIL 4, 2006

SENATE BILL

No. 1299

Introduced by Senators Speier and Denham

(Principal coauthor: Assembly Member Koretz)

(Coauthors: Senators Bowen, Chesbro, Cox, and Romero)

(Coauthors: Assembly Members Chan, Cogdill, Garcia, Karnette, Lieu, Niello, and Spitzer Spitzer, and Torrico)

February 16, 2006

An act to amend the heading of Article 6 (commencing with Section 11383) of Chapter 6 of Division 10 of, to amend Section 11383 of, and to add Section 11383.5 to, the Health and Safety Code, relating to controlled substances.

LEGISLATIVE COUNSEL'S DIGEST

SB 1299, as amended, Speier. Controlled substances: precursors: phencyclidine: methamphetamine.

(1) Existing law generally makes it a felony punishable by 2, 4, or 6 years in the state prison for a person to possess specified substances at the same time with the intent to manufacture phencyclidine or methamphetamine.

This bill would apply this penalty, in addition, to any person who possesses those and other specified substances at the same time with the intent ~~or with the knowledge that they will be used~~ to manufacture *or with the intent to sell, transfer, or otherwise furnish to another person, knowing that they will be used to manufacture* phencyclidine or methamphetamine. The bill would also provide that possession of the optical, positional, or geometric isomer of any of the specified listed compounds shall be deemed to be possession of the derivative

substance. By revising existing crimes or creating new crimes, this bill would impose a state-mandated local program.

(2) 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. The heading of Article 6 (commencing with
2 Section 11383) of Chapter 6 of Division 10 of the Health and
3 Safety Code is amended to read:

4
5 Article 6. Precursors of Phencyclidine (PCP) and
6 Methamphetamine
7

8 SEC. 2. Section 11383 of the Health and Safety Code is
9 amended to read:

10 11383. (a) Any person who possesses at the same time any of
11 the following combinations, a combination product thereof, or
12 possesses any compound or mixture containing the chemicals
13 listed in the following combinations, with the intent ~~or with the~~
14 ~~knowledge that they will be used~~ to manufacture phencyclidine
15 (PCP) or any of its analogs specified in subdivision (d) of Section
16 11054 or subdivision (e) of Section 11055, *or who possesses any*
17 *of those chemicals, combinations, or mixtures with the intent to*
18 *sell, transfer, or otherwise furnish to another person with the*
19 *intent that they will be used to manufacture these controlled*
20 *substances* is guilty of a felony and shall be punished by
21 imprisonment in the state prison for two, four, or six years:

- 22 (1) Piperidine and cyclohexanone.
- 23 (2) Pyrrolidine and cyclohexanone.
- 24 (3) Morpholine and cyclohexanone.
- 25 (b) Any person who possesses the optical, positional, or
26 geometric isomer of any of the compounds listed in this section,
27 with the intent ~~or with the knowledge that they will be used~~ to

1 ~~manufacture any of the following controlled substances~~
2 *manufacture, or who possesses any of those compounds with the*
3 *intent to sell, transfer, or otherwise furnish to another person*
4 *with the intent that they will be used to manufacture these*
5 *controlled substances* is guilty of a felony and shall be punished
6 by imprisonment in the state prison for two, four, or six years:

7 (1) Phencyclidine (PCP).

8 (2) Any analog of PCP specified in subdivision (d) of Section
9 11054, or in subdivision (e) of Section 11055.

10 (c) Any person who possesses any compound or mixture
11 containing piperidine, cyclohexanone, pyrrolidine, morpholine,
12 1-phenylcyclohexylamine (PCA),
13 1-piperidinocyclohexanecarbonitrile (PCC), or phenylmagnesium
14 bromide (PMB) with the intent ~~or with the knowledge that they~~
15 ~~will be used~~ to manufacture phencyclidine, *or who possesses any*
16 *of those compounds or mixtures with the intent to sell, transfer,*
17 *or otherwise furnish to another person with the intent that they*
18 *will be used to manufacture these controlled substances* is guilty
19 of a felony and shall be punished by imprisonment in the state
20 prison for two, four, or six years.

21 (d) Any person who possesses immediate precursors sufficient
22 for the manufacture of piperidine, cyclohexanone, pyrrolidine,
23 morpholine, or phenylmagnesium bromide (PMB) with the intent
24 ~~or with the knowledge that they will be used~~ to manufacture
25 phencyclidine, *or who possesses any of those substances in that*
26 *quantity with the intent to sell, transfer or otherwise furnish to*
27 *another person with the intent that they will be used to*
28 *manufacture these controlled substances*, is guilty of a felony
29 and shall be punished by imprisonment in the state prison for
30 two, four, or six years.

31 ~~(e) For the purposes of this section, possession of the optical,~~
32 ~~positional, or geometric isomer of any of the compounds listed in~~
33 ~~this section shall be deemed to be possession of the derivative~~
34 ~~substance.~~

35 (f)

36 (e) This section does not apply to drug manufacturers
37 licensed by this state or persons authorized by regulation of the
38 Board of Pharmacy to possess those substances or combinations
39 of substances.

1 SEC. 3. Section 11383.5 is added to the Health and Safety
2 Code, to read:

3 11383.5. (a) Any person who possesses both methylamine
4 and phenyl-2-propanone (phenylacetone) at the same time with
5 the intent ~~or with the knowledge that they will be used~~ to
6 manufacture methamphetamine, *or who possesses those*
7 *chemicals with the intent to sell, transfer, or otherwise furnish to*
8 *another person with the intent that they will be used to*
9 *manufacture that controlled substance*, or who possesses both
10 ethylamine and phenyl-2-propanone (phenylacetone) at the same
11 time with the intent ~~or with the knowledge that they will be used~~
12 to manufacture N-ethylamphetamine, *or who possesses those*
13 *chemicals with the intent to sell, transfer, or otherwise furnish to*
14 *another person with the intent that they will be used to*
15 *manufacture these controlled substances* is guilty of a felony and
16 shall be punished by imprisonment in the state prison for two,
17 four, or six years.

18 (b) (1) Any person who, with the intent ~~or with the knowledge~~
19 ~~that they will be used~~ to manufacture methamphetamine or any
20 of its analogs specified in subdivision (d) of Section 11055,
21 possesses ephedrine or pseudoephedrine, or any salts, isomers, or
22 salts of isomers of ephedrine or pseudoephedrine, or who
23 possesses a substance containing ephedrine or pseudoephedrine,
24 or any salts, isomers, or salts of isomers of ephedrine or
25 pseudoephedrine, or who possesses at the same time any of the
26 following, or a combination product thereof, *or who possesses*
27 *any of those chemicals, substances, or products with the intent to*
28 *sell, transfer, or otherwise furnish to another person with the*
29 *intent that they will be used to manufacture these controlled*
30 *substances* is guilty of a felony and shall be punished by
31 imprisonment in the state prison for two, four, or six years:

32 (A) Ephedrine, pseudoephedrine, norpseudoephedrine,
33 N-methylephedrine, N-ethylephedrine,
34 N-methylpseudoephedrine, N-ethylpseudoephedrine, or
35 phenylpropanolamine, plus hydriodic acid.

36 (B) Ephedrine, pseudoephedrine, norpseudoephedrine,
37 N-methylephedrine, N-ethylephedrine,
38 N-methylpseudoephedrine, N-ethylpseudoephedrine, or
39 phenylpropanolamine, thionyl chloride and hydrogen gas.

1 (C) Ephedrine, pseudoephedrine, norpseudoephedrine,
2 N-methylephedrine, N-ethylephedrine,
3 N-methylpseudoephedrine, N-ethylpseudoephedrine, or
4 phenylpropanolamine, plus phosphorus pentachloride and
5 hydrogen gas.

6 (D) Ephedrine, pseudoephedrine, norpseudoephedrine,
7 N-methylephedrine, N-ethylephedrine,
8 N-methylpseudoephedrine, N-ethylpseudoephedrine,
9 chloroephedrine and chloropseudoephedrine, or
10 phenylpropanolamine, plus any reducing agent.

11 (2) Any person who, with the intent ~~or with the knowledge~~
12 ~~that they will be used~~ to manufacture methamphetamine or any
13 of its analogs specified in subdivision (d) of Section 11055, *or*
14 *who possesses that chemical, product, or substance with the*
15 *intent to sell, transfer, or otherwise furnish to another person*
16 *with the intent that they will be used to manufacture these*
17 *controlled substances* possesses hydriodic acid or a reducing
18 agent or any product containing hydriodic acid or a reducing
19 agent is guilty of a felony and shall be punished by imprisonment
20 in the state prison for two, four, or six years.

21 (c) Any person who possesses the optical, positional, or
22 geometric isomer of any of the compounds listed in this section,
23 ~~with the intent or with the knowledge they will be used to~~
24 ~~manufacture any of the following controlled substances, or who~~
25 ~~possesses any of these compounds with the intent to sell, transfer,~~
26 ~~or otherwise furnish to another person with the intent that they~~
27 ~~will be used to manufacture these controlled substances~~ is guilty
28 of a felony and shall be punished by imprisonment in the state
29 prison for two, four, or six years:

30 (1) Methamphetamine.

31 (2) Any analog of methamphetamine specified in subdivision
32 (d) of Section 11055.

33 (3) N-ethylamphetamine.

34 (d) Any person who possesses immediate precursors sufficient
35 for the manufacture of methylamine, ethylamine,
36 phenyl-2-propanone, ephedrine, pseudoephedrine,
37 norpseudoephedrine, N-methylephedrine, N-ethylephedrine,
38 phenylpropanolamine, hydriodic acid or a reducing agent, thionyl
39 chloride, or phosphorus pentachloride, with the intent ~~or with the~~
40 ~~knowledge that they will be used~~ to manufacture

1 methamphetamine, *or who possesses those substances with the*
2 *intent to sell, transfer, or otherwise furnish to another person*
3 *with the intent that they will be used to manufacture that*
4 *controlled substance* is guilty of a felony and shall be punished
5 by imprisonment in the state prison for two, four, or six years.

6 (e) Any person who possesses essential chemicals sufficient to
7 manufacture hydriodic acid or a reducing agent, with the intent ~~or~~
8 ~~with the knowledge that they will be used to manufacture~~
9 methamphetamine, *or who possesses that quantity of chemicals*
10 *with the intent to sell, transfer, or otherwise furnish to another*
11 *person with the intent that they will be used to manufacture these*
12 *controlled substances* is guilty of a felony and shall be punished
13 by imprisonment in the state prison for two, four, or six years.

14 (f) Any person who possesses any compound or mixture
15 containing ephedrine, pseudoephedrine, norpseudoephedrine,
16 N-methylephedrine, N-ethylephedrine, phenylpropanolamine,
17 hydriodic acid or a reducing agent, thionyl chloride, or
18 phosphorus pentachloride, with the intent ~~or with the knowledge~~
19 ~~that they will be used to manufacture methamphetamine, or who~~
20 *possesses that compound or mixture with the intent to sell,*
21 *transfer, or otherwise furnish to another person with the intent*
22 *that they will be used to manufacture these controlled substances*
23 is guilty of a felony and shall be punished by imprisonment in the
24 state prison for two, four, or six years.

25 (g) For purposes of this section, a “reducing agent” for the
26 purposes of manufacturing methamphetamine means an agent
27 that causes reduction to occur by either donating a hydrogen
28 atom to an organic compound or by removing an oxygen atom
29 from an organic compound.

30 ~~(h) For the purposes of this section, possession of the optical,~~
31 ~~positional, or geometric isomer of any of the compounds listed in~~
32 ~~this section shall be deemed to be possession of the derivative~~
33 ~~substance.~~

34 (i)

35 (h) This section does not apply to drug manufacturers licensed
36 by this state or persons authorized by regulation of the Board of
37 Pharmacy to possess those substances or combinations of
38 substances.

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1 SEC. 4. No reimbursement is required by this act pursuant to
2 Section 6 of Article XIII B of the California Constitution because
3 the only costs that may be incurred by a local agency or school
4 district will be incurred because this act creates a new crime or
5 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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CORRECTIONS:

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