

AMENDED IN ASSEMBLY AUGUST 21, 2006

AMENDED IN SENATE APRIL 17, 2006

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, 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~~ *Sections 11383.5, 11383.6, and 11383.7* to, the Health and Safety Code, relating to controlled substances.

LEGISLATIVE COUNSEL'S DIGEST

SB 1299, as amended, Speier. Controlled substances: precursors: phencyclidine: *or* 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 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. By, reorganize these provisions.~~

This bill would also make it a felony, punishable by 16 months, 2, or 3 years in state prison, for any person to possess specified chemicals with the intent to sell, transfer, or otherwise furnish those chemicals to another knowing that they will be used to manufacture phencyclidine or methamphetamine.

By revising existing crimes ~~or~~ and 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 to
14 manufacture phencyclidine (PCP) or any of its analogs specified
15 in subdivision (d) of Section 11054 or subdivision (e) of Section
16 11055, ~~or who possesses any of those chemicals, combinations,~~
17 ~~or mixtures with the intent to sell, transfer, or otherwise furnish~~
18 ~~to another person with the knowledge that they will be used to~~
19 ~~manufacture these controlled substances is guilty of a felony and~~

1 shall be punished by imprisonment in the state prison for two,
2 four, or six years:

3 (1) Piperidine and cyclohexanone.

4 (2) Pyrrolidine and cyclohexanone.

5 (3) Morpholine and cyclohexanone.

6 (b) Any person who possesses the optical, positional, or
7 geometric isomer of any of the compounds listed in this section,
8 with the intent to manufacture, ~~or who possesses any of those~~
9 ~~compounds with the intent to sell, transfer, or otherwise furnish~~
10 ~~to another person with the knowledge that they will be used to~~
11 ~~manufacture~~ these controlled substances is guilty of a felony and
12 shall be punished by imprisonment in the state prison for two,
13 four, or six years:

14 (1) Phencyclidine (PCP).

15 (2) Any analog of PCP specified in subdivision (d) of Section
16 11054, or in subdivision (e) of Section 11055.

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

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

36 (e) This section does not apply to drug manufacturers licensed
37 by this state or persons authorized by regulation of the Board of
38 Pharmacy to possess those substances or combinations of
39 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 to manufacture methamphetamine, ~~or who possesses~~
6 ~~those chemicals with the intent to sell, transfer, or otherwise~~
7 ~~furnish to another person with the knowledge that they will be~~
8 ~~used to manufacture that controlled substance~~; or who possesses
9 both ethylamine and phenyl-2-propanone (phenylacetone) at the
10 same time with the intent to manufacture N-ethylamphetamine,
11 ~~or who possesses those chemicals with the intent to sell, transfer,~~
12 ~~or otherwise furnish to another person with the knowledge that~~
13 ~~they will be used to manufacture these controlled substances~~ is
14 guilty of a felony and shall be punished by imprisonment in the
15 state prison for two, four, or six years.

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

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

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

38 (C) Ephedrine, pseudoephedrine, norpseudoephedrine,
39 N-methylephedrine, N-ethylephedrine,
40 N-methylpseudoephedrine, N-ethylpseudoephedrine, or

1 phenylpropanolamine, plus phosphorus pentachloride and
2 hydrogen gas.

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

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

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

25 (1) Methamphetamine.

26 (2) Any analog of methamphetamine specified in subdivision
27 (d) of Section 11055.

28 (3) N-ethylamphetamine.

29 (d) Any person who possesses immediate precursors sufficient
30 for the manufacture of methylamine, ethylamine,
31 phenyl-2-propanone, ephedrine, pseudoephedrine,
32 norpseudoephedrine, N-methylephedrine, N-ethylephedrine,
33 phenylpropanolamine, hydriodic acid or a reducing agent, thionyl
34 chloride, or phosphorus pentachloride, with the intent to
35 manufacture methamphetamine, ~~or who possesses those~~
36 ~~substances with the intent to sell, transfer, or otherwise furnish to~~
37 ~~another person with the knowledge that they will be used to~~
38 ~~manufacture that controlled substance~~ is guilty of a felony and
39 shall be punished by imprisonment in the state prison for two,
40 four, or six years.

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

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

20 (g) For purposes of this section, a “reducing agent” for the
21 purposes of manufacturing methamphetamine means an agent
22 that causes reduction to occur by either donating a hydrogen
23 atom to an organic compound or by removing an oxygen atom
24 from an organic compound.

25 (h) This section does not apply to drug manufacturers licensed
26 by this state or persons authorized by regulation of the Board of
27 Pharmacy to possess those substances or combinations of
28 substances.

29 *SEC. 4. Section 11383.6 is added to the Health and Safety*
30 *Code, to read:*

31 *11383.6. (a) Any person who possesses at the same time any*
32 *of the following combinations, a combination product thereof, or*
33 *possesses any compound or mixture containing the chemicals*
34 *listed in the following combinations, with the intent to sell,*
35 *transfer, or otherwise furnish those chemicals, combinations, or*
36 *mixtures to another person with the knowledge that they will be*
37 *used to manufacture phencyclidine (PCP) or any of its analogs*
38 *specified in subdivision (d) of Section 11054 or subdivision (e) of*
39 *Section 11055 is guilty of a felony and shall be punished by*

1 imprisonment in the state prison for 16 months, two, or three
2 years:

3 (1) Piperidine and cyclohexanone.

4 (2) Pyrrolidine and cyclohexanone.

5 (3) Morpholine and cyclohexanone.

6 (b) Any person who possesses the optical, positional, or
7 geometric isomer of any of the compounds listed in this section
8 with the intent to sell, transfer, or otherwise furnish the isomer to
9 another person with the knowledge that they will be used to
10 manufacture these controlled substances is guilty of a felony and
11 shall be punished by imprisonment in the state prison for 16
12 months, two, or three years:

13 (1) Phencyclidine (PCP).

14 (2) Any analog of PCP specified in subdivision (d) of Section
15 11054, or in subdivision (e) of Section 11055.

16 (c) Any person who possesses any compound or mixture
17 containing piperidine, cyclohexanone, pyrrolidine, morpholine,
18 1-phenylcyclohexylamine (PCA),
19 1-piperidinocyclohexanecarbonitrile (PCC), or
20 phenylmagnesium bromide (PMB) with the intent to sell,
21 transfer, or otherwise furnish the compound or mixture to
22 another person with the knowledge that it will be used to
23 manufacture phencyclidine is guilty of a felony and shall be
24 punished by imprisonment in the state prison for 16 months, two,
25 or three years.

26 (d) Any person who possesses immediate precursors sufficient
27 for the manufacture of piperidine, cyclohexanone, pyrrolidine,
28 morpholine, or phenylmagnesium bromide (PMB) with the intent
29 to sell, transfer or otherwise furnish the immediate precursors to
30 another person with the knowledge that they will be used to
31 manufacture phencyclidine is guilty of a felony and shall be
32 punished by imprisonment in the state prison for 16 months, two,
33 or three years.

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

38 SEC. 5. Section 11383.7 is added to the Health and Safety
39 Code, to read:

1 11383.7. (a) Any person who possesses both methylamine
2 and phenyl-2-propanone (phenylacetone) at the same time with
3 the intent to sell, transfer, or otherwise furnish those chemicals
4 to another person with the knowledge that they will be used to
5 manufacture methamphetamine, or who possesses both
6 ethylamine and phenyl-2-propanone (phenylacetone) at the same
7 time with the intent to sell, transfer, or otherwise furnish those
8 chemicals to another person with the knowledge that they will be
9 used to manufacture methamphetamine is guilty of a felony and
10 shall be punished by imprisonment in the state prison for 16
11 months, two, or three years.

12 (b) (1) Any person who possesses ephedrine or
13 pseudoephedrine, or any salts, isomers, or salts of isomers of
14 ephedrine or pseudoephedrine, or who possesses a substance
15 containing ephedrine or pseudoephedrine, or any salts, isomers,
16 or salts of isomers of ephedrine or pseudoephedrine, or who
17 possesses at the same time any of the following, or a combination
18 product thereof, with the intent to sell, transfer, or otherwise
19 furnish those chemicals, substances, or products to another
20 person with the knowledge that they will be used to manufacture
21 methamphetamine or any of its analogs specified in subdivision
22 (d) of Section 11055 is guilty of a felony and shall be punished by
23 imprisonment in the state prison for 16 months, two, or three
24 years:

25 (A) Ephedrine, pseudoephedrine, norpseudoephedrine,
26 N-methylephedrine, N-ethylephedrine,
27 N-methylpseudoephedrine, N-ethylpseudoephedrine, or
28 phenylpropanolamine, plus hydriodic acid.

29 (B) Ephedrine, pseudoephedrine, norpseudoephedrine,
30 N-methylephedrine, N-ethylephedrine,
31 N-methylpseudoephedrine, N-ethylpseudoephedrine, or
32 phenylpropanolamine, thionyl chloride and hydrogen gas.

33 (C) Ephedrine, pseudoephedrine, norpseudoephedrine,
34 N-methylephedrine, N-ethylephedrine,
35 N-methylpseudoephedrine, N-ethylpseudoephedrine, or
36 phenylpropanolamine, plus phosphorus pentachloride and
37 hydrogen gas.

38 (D) Ephedrine, pseudoephedrine, norpseudoephedrine,
39 N-methylephedrine, N-ethylephedrine,
40 N-methylpseudoephedrine, N-ethylpseudoephedrine,

1 chloroephedrine and chlorpseudoephedrine, or
2 phenylpropanolamine, plus any reducing agent.

3 (2) Any person who possesses hydriodic acid or a reducing
4 agent or any product containing hydriodic acid or a reducing
5 agent with the intent to sell, transfer, or otherwise furnish that
6 chemical, product, or substance to another person with the
7 knowledge that they will be used to manufacture
8 methamphetamine or any of its analogs specified in subdivision
9 (d) of Section 11055 is guilty of a felony and shall be punished by
10 imprisonment in the state prison for 16 months, two, or three
11 years.

12 (c) Any person who possesses the optical, positional, or
13 geometric isomer of any of the compounds listed in this section
14 with the intent to sell, transfer, or otherwise furnish any of the
15 compounds to another person with the knowledge that they will
16 be used to manufacture these controlled substances is guilty of a
17 felony and shall be punished by imprisonment in the state prison
18 for 16 months, two, or three years:

19 (1) Methamphetamine.

20 (2) Any analog of methamphetamine specified in subdivision
21 (d) of Section 11055.

22 (3) N-ethylamphetamine.

23 (d) Any person who possesses immediate precursors sufficient
24 for the manufacture of methylamine, ethylamine,
25 phenyl-2-propanone, ephedrine, pseudoephedrine,
26 norpseudoephedrine, N-methylephedrine, N-ethylephedrine,
27 phenylpropanolamine, hydriodic acid or a reducing agent,
28 thionyl chloride, or phosphorus pentachloride, with the intent to
29 sell, transfer, or otherwise furnish these substances to another
30 person with the knowledge that they will be used to manufacture
31 methamphetamine is guilty of a felony and shall be punished by
32 imprisonment in the state prison for 16 months, two, or three
33 years.

34 (e) Any person who possesses essential chemicals sufficient to
35 manufacture hydriodic acid or a reducing agent with the intent to
36 sell, transfer, or otherwise furnish those chemicals to another
37 person with the knowledge that they will be used to manufacture
38 methamphetamine is guilty of a felony and shall be punished by
39 imprisonment in the state prison for 16 months, two, or three
40 years.

1 (f) Any person who possesses any compound or mixture
 2 containing ephedrine, pseudoephedrine, norpseudoephedrine,
 3 N-methylephedrine, N-ethylephedrine, phenylpropanolamine,
 4 hydriodic acid or a reducing agent, thionyl chloride, or
 5 phosphorus pentachloride, with the intent to sell, transfer, or
 6 otherwise furnish that compound or mixture to another person
 7 with the knowledge that they will be used to manufacture
 8 methamphetamine is guilty of a felony and shall be punished by
 9 imprisonment in the state prison for 16 months, two, or three
 10 years.

11 (g) For purposes of this section, a “reducing agent” for the
 12 purposes of manufacturing methamphetamine means an agent
 13 that causes reduction to occur by either donating a hydrogen
 14 atom to an organic compound or by removing an oxygen atom
 15 from an organic compound.

16 (h) This section does not apply to drug manufacturers licensed
 17 by this state or persons authorized by regulation of the Board of
 18 Pharmacy to possess those substances or combinations of
 19 substances.

20 ~~SEC. 4.~~

21 ~~SEC. 6.~~ No reimbursement is required by this act pursuant to
 22 Section 6 of Article XIII B of the California Constitution because
 23 the only costs that may be incurred by a local agency or school
 24 district will be incurred because this act creates a new crime or
 25 infraction, eliminates a crime or infraction, or changes the
 26 penalty for a crime or infraction, within the meaning of Section
 27 17556 of the Government Code, or changes the definition of a
 28 crime within the meaning of Section 6 of Article XIII B of the
 29 California Constitution.