

AMENDED IN ASSEMBLY JANUARY 7, 2008

AMENDED IN ASSEMBLY MARCH 12, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 259

Introduced by Assembly Member Adams

February 5, 2007

~~An act to amend Section 11054 of the Health and Safety Code, relating to controlled substances. An act to add Section 379 to the Penal Code, relating to crimes.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 259, as amended, Adams. ~~Controlled substances: Schedule I. Crimes: sale or distribution of *Salvia divinorum*.~~

~~Existing law lists various controlled hallucinogenic substances in Schedule I.~~

~~This bill would add *Salvia divinorum*, as defined, and *Salvinorin A* to that list.~~

~~Under existing law, the sale or distribution of specified intoxicating substances is a crime, punishable by imprisonment or a fine.~~

~~This bill would make the sale or distribution of *Salvia divinorum* or *Salvinorin A*, or any substance or material containing *Salvia divinorum* or *Salvinorin A*, to any person under 18 years of age a misdemeanor, punishable by imprisonment in a county jail for not more than 6 months, by a fine of no more than \$1,000, or both.~~

~~Because this bill would expand the definition of existing crimes create a new crime, it would create impose a state-mandated local program.~~

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 379 is added to the Penal Code, to read:
 2 379. Every person who sells, dispenses, distributes, furnishes,
 3 administers, gives, or offers to sell, dispense, distribute, furnish,
 4 administer, or give *Salvia divinorum* or *Salvinorin A*, or any
 5 substance or material containing *Salvia divinorum* or *Salvinorin*
 6 *A*, to any person who is less than 18 years of age, is guilty of a
 7 misdemeanor punishable by imprisonment in a county jail not
 8 exceeding six months, or by a fine not exceeding one thousand
 9 dollars (\$1,000), or by both that fine and imprisonment.

10 SEC. 2. No reimbursement is required by this act pursuant to
 11 Section 6 of Article XIII B of the California Constitution because
 12 the only costs that may be incurred by a local agency or school
 13 district will be incurred because this act creates a new crime or
 14 infraction, eliminates a crime or infraction, or changes the penalty
 15 for a crime or infraction, within the meaning of Section 17556 of
 16 the Government Code, or changes the definition of a crime within
 17 the meaning of Section 6 of Article XIII B of the California
 18 Constitution.

19 ~~SECTION 1. Section 11054 of the Health and Safety Code is~~
 20 ~~amended to read:~~

21 ~~11054. (a) The controlled substances listed in this section are~~
 22 ~~included in Schedule I.~~

23 ~~(b) Opiates. Unless specifically excepted or unless listed in~~
 24 ~~another schedule, any of the following opiates, including their~~
 25 ~~isomers, esters, ethers, salts, and salts of isomers, esters, and ethers~~
 26 ~~whenever the existence of those isomers, esters, ethers, and salts~~
 27 ~~is possible within the specific chemical designation:~~

28 ~~(1) Acetylmethadol.~~

29 ~~(2) Allylprodine.~~

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

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

- 1 (d) ~~Hallucinogenic substances. Unless specifically excepted or~~
2 ~~unless listed in another schedule, any material, compound, mixture,~~
3 ~~or preparation, which contains any quantity of the following~~
4 ~~hallucinogenic substances, or which contains any of its salts,~~
5 ~~isomers, and salts of isomers whenever the existence of those salts,~~
6 ~~isomers, and salts of isomers is possible within the specific~~
7 ~~chemical designation (for purposes of this subdivision only, the~~
8 ~~term “isomer” includes the optical, position, and geometric~~
9 ~~isomers):~~
- 10 (1) ~~4-bromo-2,5-dimethoxy-amphetamine—Some trade or other~~
11 ~~names:—4-bromo-2,5-dimethoxy-alpha-methylphenethylamine;~~
12 ~~4-bromo-2,5-DMA.~~
- 13 (2) ~~2,5-dimethoxyamphetamine—Some trade or other names:~~
14 ~~2,5-dimethoxy-alpha-methylphenethylamine; 2,5-DMA.~~
- 15 (3) ~~4-methoxyamphetamine—Some trade or other names:~~
16 ~~4-methoxy-alpha-methylphenethylamine,~~
17 ~~paramethoxyamphetamine, PMA.~~
- 18 (4) ~~5-methoxy-3,4-methylenedioxy-amphetamine.~~
- 19 (5) ~~4-methyl-2,5-dimethoxy-amphetamine—Some trade or other~~
20 ~~names:—4-methyl-2,5-dimethoxy-alpha-methylphenethylamine;~~
21 ~~“DOM”; and “STP.”~~
- 22 (6) ~~3,4-methylenedioxy amphetamine.~~
- 23 (7) ~~3,4,5-trimethoxy amphetamine.~~
- 24 (8) ~~Bufotenine—Some trade or other names:~~
25 ~~3-(beta-dimethylaminoethyl)-5-hydroxyindole;~~
26 ~~3-(2-dimethylaminoethyl)-5-indolol; N,N-dimethylserotonin;~~
27 ~~5-hydroxy-N,N-dimethyltryptamine; mappine.~~
- 28 (9) ~~Diethyltryptamine—Some trade or other names:~~
29 ~~N,N-Diethyltryptamine; DET.~~
- 30 (10) ~~Dimethyltryptamine—Some trade or other names: DMT.~~
- 31 (11) ~~Ibogaine—Some trade or other names: 7-Ethyl-6,6beta,~~
32 ~~7,8,9,10,12,13-octahydro-2-methoxy-6,9-methano-5H-pyrido~~
33 ~~[1',2':1,2] azepino [5,4-b] indole; Tabernantheiboga.~~
- 34 (12) ~~Lysergic acid diethylamide.~~
- 35 (13) ~~Marijuana.~~
- 36 (14) ~~Mescaline.~~
- 37 (15) ~~Peyote—Meaning all parts of the plant presently classified~~
38 ~~botanically as Lophophora williamsii Lemaire, whether growing~~
39 ~~or not, the seeds thereof, any extract from any part of the plant,~~
40 ~~and every compound, manufacture, salts, derivative, mixture, or~~

- 1 preparation of the plant, its seeds or extracts (interprets 21 U.S.C.
2 Sec. 812(e), Schedule 1(c)(12)).
- 3 ~~(16) N-ethyl-3-piperidyl benzilate.~~
4 ~~(17) N-methyl-3-piperidyl benzilate.~~
5 ~~(18) Psilocybin.~~
6 ~~(19) Psilocyn.~~
7 ~~(20) Salvia divinorum—Meaning all parts of the plant, whether~~
8 ~~growing or not, the seeds thereof, any extract from any part of the~~
9 ~~plant, and every compound, manufacture, salts, derivative, mixture,~~
10 ~~or preparation of the plant, its seeds or extracts.~~
11 ~~(21) Salvinorin A.~~
12 ~~(22) Tetrahydrocannabinols.—Synthetic equivalents of the~~
13 ~~substances contained in the plant, or in the resinous extractives of~~
14 ~~Cannabis, sp. and/or synthetic substances, derivatives, and their~~
15 ~~isomers with similar chemical structure and pharmacological~~
16 ~~activity such as the following: delta 1 cis or trans~~
17 ~~tetrahydrocannabinol, and their optical isomers; delta 6 cis or trans~~
18 ~~tetrahydrocannabinol, and their optical isomers; delta 3,4 cis or~~
19 ~~trans tetrahydrocannabinol, and its optical isomers.~~
20 ~~(Since nomenclature of these substances is not internationally~~
21 ~~standardized, compounds of these structures, regardless of~~
22 ~~numerical designation of atomic positions covered).~~
23 ~~(23) Ethylamine analog of phenycyclidine—Some trade or other~~
24 ~~names: N-ethyl-1-phenylcyclohexylamine, (1-phenylcyclohexyl)~~
25 ~~ethylamine, N-(1-phenylcyclohexyl) ethylamine, cyclohexamine,~~
26 ~~PCE.~~
27 ~~(24) Pyrrolidine analog of phenycyclidine—Some trade or other~~
28 ~~names: 1-(1-phenylcyclohexyl)-pyrrolidine, PCP, PHP.~~
29 ~~(25) Thiophene analog of phenycyclidine—Some trade or other~~
30 ~~names: 1-[1-(2-thienyl)-cyclohexyl]-piperidine, 2-thienyl analog~~
31 ~~of phenycyclidine, TPCP, TCP.~~
32 ~~(e) Depressants. Unless specifically excepted or unless listed~~
33 ~~in another schedule, any material, compound, mixture, or~~
34 ~~preparation which contains any quantity of the following substances~~
35 ~~having a depressant effect on the central nervous system, including~~
36 ~~its salts, isomers, and salts of isomers whenever the existence of~~
37 ~~those salts, isomers, and salts of isomers is possible within the~~
38 ~~specific chemical designation:~~
39 ~~(1) Meclqualone.~~
40 ~~(2) Methaqualone.~~

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

9 ~~(f) Unless specifically excepted or unless listed in another~~
10 ~~schedule, any material, compound, mixture, or preparation which~~
11 ~~contains any quantity of the following substances having a~~
12 ~~stimulant effect on the central nervous system, including its~~
13 ~~isomers:~~

14 ~~(1) Cocaine base.~~

15 ~~(2) Fenethylline, including its salts.~~

16 ~~(3) N-Ethylamphetamine, including its salts.~~

17 ~~SEC. 2. No reimbursement is required by this act pursuant to~~
18 ~~Section 6 of Article XIII B of the California Constitution because~~
19 ~~the only costs that may be incurred by a local agency or school~~
20 ~~district will be incurred because this act creates a new crime or~~
21 ~~infraction, eliminates a crime or infraction, or changes the penalty~~
22 ~~for a crime or infraction, within the meaning of Section 17556 of~~
23 ~~the Government Code, or changes the definition of a crime within~~
24 ~~the meaning of Section 6 of Article XIII B of the California~~
25 ~~Constitution.~~