

ASSEMBLY BILL

No. 1306

Introduced by Assembly Member Donnelly

February 18, 2011

An act to amend Section 11364 of the Health and Safety Code, relating to controlled substances.

LEGISLATIVE COUNSEL'S DIGEST

AB 1306, as introduced, Donnelly. Controlled substances: paraphernalia.

Existing law states that it is unlawful to possess an opium pipe or any paraphernalia used for unlawfully injecting or smoking a controlled substance, as defined. This provision does not apply to hypodermic needles or syringes that have been containerized for safe disposal in a container that meets state and federal standards for the disposal of sharps waste.

This bill would make a technical, nonsubstantive change to these provisions.

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

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

1 SECTION 1. Section 11364 of the Health and Safety Code is
2 amended to read:
3 11364. (a) It is unlawful to possess an opium pipe or any
4 device, contrivance, instrument, or paraphernalia used for
5 unlawfully injecting or smoking (1) a controlled substance specified
6 in subdivision (b), (c), or (e), or paragraph (1) of subdivision (f)

1 of Section 11054, specified in paragraph (14), (15), or (20) of
2 subdivision (d) of Section 11054, specified in subdivision (b) or
3 (c) of Section 11055, or specified in paragraph (2) of subdivision
4 (d) of Section 11055, or (2) a controlled substance which is a
5 narcotic drug classified in Schedule III, IV, or V.

6 (b) This section shall not apply to hypodermic needles or
7 syringes that have been containerized for safe disposal in a
8 container that meets state and federal standards for *the* disposal of
9 sharps waste.

10 (c) Pursuant to authorization by a county, with respect to all of
11 the territory within the county, or a city, with respect to the territory
12 within in the city, for the period commencing January 1, 2005, and
13 ending December 31, 2018, subdivision (a) shall not apply to the
14 possession solely for personal use of 10 or fewer hypodermic
15 needles or syringes if acquired from an authorized source.