

**ASSEMBLY BILL**

**No. 2420**

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**Introduced by Assembly Member Hueso**  
**(Coauthor: Assembly Member Fletcher)**  
(Coauthor: Senator Vargas)

February 24, 2012

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An act to amend Sections 11357.5 and 11375.5 of the Health and Safety Code, relating to controlled substances.

LEGISLATIVE COUNSEL'S DIGEST

AB 2420, as introduced, Hueso. Controlled substances: synthetic cannabinoids and synthetic stimulants.

Existing law provides that every person who sells, dispenses, distributes, furnishes, administers, or gives, or offers to sell, dispense, distribute, furnish, administer, or give, or possesses for sale any synthetic cannabinoid compound, or any synthetic cannabinoid derivative, to any person, is guilty of a misdemeanor punishable by imprisonment in a county jail not exceeding 6 months, or by a fine not exceeding \$1,000, or by both that fine and imprisonment. Existing law defines a synthetic cannabinoid compound for purposes of this provision.

Existing law also provides that every person who sells, dispenses, distributes, furnishes, administers, or gives, or offers to sell, dispense, distribute, furnish, administer, or give, any synthetic stimulant compound, as specified, or any synthetic stimulant derivative, to any person, or who possesses that compound or derivative for sale, is guilty of a misdemeanor punishable by imprisonment in a county jail not exceeding 6 months, or by a fine not exceeding \$1,000, or by both that fine and imprisonment.

This bill would provide that every person who possesses, under circumstances that do not include possession for sale as proscribed pursuant to existing law, 28.5 grams or less of any synthetic cannabinoid is guilty of an infraction punishable by a fine of not more than \$100. The bill would provide that every person who possesses, under circumstances that do not include possession for sale as proscribed pursuant to existing law, 28.5 grams or less of any synthetic stimulant compound, as specified, or any synthetic stimulant derivative, shall be punished by imprisonment in a county jail for a period of not more than one month, or by a fine not exceeding \$500, or by both that fine and imprisonment. In addition, the bill would also provide that every person who possesses, under circumstances that do not include possession for sale as proscribed pursuant to existing law, more than 28.5 grams of any synthetic cannabinoid, any synthetic stimulant compound, as specified, or any synthetic stimulant derivative, shall be punished by imprisonment in a county jail for a period of not more than 6 months, or by a fine not exceeding \$1,000, or by both that fine and imprisonment.

The bill would also expand the definition of synthetic cannabinoids for purposes of the prohibitions described above to include, among other compounds, naphthoylindoles, naphthylmethyloindoles, naphthoylpyrroles, naphthylmethyloindenes, phenylacetylindoles, cyclohexylphenols, benzoylindoles, and adamantoylindoles.

Because the bill would create new crimes, the bill would 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 11357.5 of the Health and Safety Code  
2 is amended to read:  
3 11357.5. (a) Every person who sells, dispenses, distributes,  
4 furnishes, administers, or gives, or offers to sell, dispense,  
5 distribute, furnish, administer, or give, or possesses for sale any  
6 synthetic cannabinoid compound, or any synthetic cannabinoid

1 derivative, to any person, is guilty of a misdemeanor punishable  
2 by imprisonment in a county jail not exceeding six months, or by  
3 a fine not exceeding one thousand dollars (\$1,000), or by both that  
4 fine and imprisonment.

5 (b) As used in this section, the term “synthetic cannabinoid  
6 compound” refers to any of the following substances:

7 (1) 1-pentyl-3-(1-naphthoyl)indole (JWH-018).

8 (2) 1-butyl-3-(1-naphthoyl)indole (JWH-073).

9 (3) 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole  
10 (JWH-200).

11 (4) 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol  
12 (CP-47,497).

13 (5) 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol  
14 (cannabicyclohexanol; CP-47, 497 C8 homologue).

15 (6) *Naphthoylindoles: any compound containing a*  
16 *3-(1-naphthoyl)indole structure with substitution at the nitrogen*  
17 *atom of the indole ring by an alkyl, haloalkyl, alkenyl,*  
18 *cycloalkylmethyl, cycloalkylethyl,*  
19 *1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group,*  
20 *whether or not further substituted in the indole ring to any extent*  
21 *and whether or not substituted in the naphthyl ring to any extent.*

22 (7) *Naphthylmethylindoles: any compound containing a*  
23 *1H-indol-3-yl-(1-naphthyl)methane structure with substitution at*  
24 *the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl,*  
25 *cycloalkylmethyl, cycloalkylethyl,*  
26 *1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group,*  
27 *whether or not further substituted in the indole ring to any extent*  
28 *and whether or not substituted in the naphthyl ring to any extent.*

29 (8) *Naphthoylpyrroles: any compound containing a*  
30 *3-(1-naphthoyl)pyrrole structure with substitution at the nitrogen*  
31 *atom of the pyrrole ring by an alkyl, haloalkyl, alkenyl,*  
32 *cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl,*  
33 *or 2-(4-morpholinyl)ethyl group, whether or not further substituted*  
34 *in the indene ring to any extent and whether or not substituted in*  
35 *the naphthyl ring to any extent.*

36 (9) *Naphthylmethylindenenes: any compound containing a*  
37 *naphthylideneindene structure with substitution at the 3-position*  
38 *of the indene ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl,*  
39 *cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or*  
40 *2-(4-morpholinyl)ethyl group, whether or not further substituted*

1 *in the indene ring to any extent and whether or not substituted in*  
2 *the naphthyl ring to any extent.*

3 (10) *Phenylacetylindoles: any compound containing a*  
4 *3-phenylacetylindole structure with substitution at the nitrogen*  
5 *atom of the indole ring by an alkyl, haloalkyl, alkenyl,*  
6 *cycloalkylmethyl, cycloalkylethyl,*  
7 *1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group,*  
8 *whether or not further substituted in the indole ring to any extent*  
9 *and whether or not substituted in the phenyl ring to any extent.*

10 (11) *Cyclohexylphenols: any compound containing a*  
11 *2-(3-hydroxycyclohexyl)phenol structure with substitution at the*  
12 *5-position of the phenolic ring by an alkyl, haloalkyl, alkenyl,*  
13 *cycloalkylmethyl, cycloalkylethyl,*  
14 *1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group,*  
15 *whether or not substituted in the cyclohexyl ring to any extent.*

16 (12) *Benzoylindoles: any compound containing a*  
17 *3-(benzoyl)indole structure with substitution at the nitrogen atom*  
18 *of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl,*  
19 *cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or*  
20 *2-(4-morpholinyl)ethyl group, whether or not further substituted*  
21 *in the indole ring to any extent and whether or not substituted in*  
22 *the phenyl ring to any extent.*

23 (13) *2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo*  
24 *[1,2,3-de]-1,4-benzoxazin-6-yl]-1-naphthalenylmethanone.*

25 (14) *9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,*  
26 *7, 10, 10a-tetrahydrobenzo[c]chromen-1-ol.*

27 (15) *Adamantoylindoles: any compound containing a*  
28 *3-(1-adamantoyl)indole structure with substitution at the nitrogen*  
29 *atom of the indole ring by an alkyl, haloalkyl, alkenyl,*  
30 *cycloalkylmethyl, cycloalkylethyl,*  
31 *1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morphonyl)ethyl group,*  
32 *whether or not further substituted in the indole ring to any extent*  
33 *and whether or not substituted in the adamantyl ring system to*  
34 *any extent.*

35 (c) *Every person who possesses, under circumstances that do*  
36 *not include possession for sale as described in subdivision (a),*  
37 *28.5 grams or less of any synthetic cannabinoid is guilty of an*  
38 *infraction punishable by a fine of not more than one hundred*  
39 *dollars (\$100).*

1     *(d) Every person who possesses, under circumstances that do*  
2 *not include possession for sale as described in subdivision (a),*  
3 *more than 28.5 grams of any synthetic cannabinoid shall be*  
4 *punished by imprisonment in a county jail for a period of not more*  
5 *than six months, or by a fine not exceeding one thousand dollars*  
6 *(\$1,000), or by both that fine and imprisonment.*

7     SEC. 2. Section 11375.5 of the Health and Safety Code is  
8 amended to read:

9     11375.5. (a) Every person who sells, dispenses, distributes,  
10 furnishes, administers, or gives, or offers to sell, dispense,  
11 distribute, furnish, administer, or give, any synthetic stimulant  
12 compound specified in subdivision (b), or any synthetic stimulant  
13 derivative, to any person, or who possesses that compound or  
14 derivative for sale, is guilty of a misdemeanor punishable by  
15 imprisonment in a county jail not exceeding six months, or by a  
16 fine not exceeding one thousand dollars (\$1,000), or by both that  
17 fine and imprisonment.

18     (b) Unless specifically excepted, or contained within a  
19 pharmaceutical product approved by the United States Food and  
20 Drug Administration, or unless listed in another schedule,  
21 subdivision (a) applies to any material, compound, mixture, or  
22 preparation which contains any quantity of the following substances  
23 having a stimulant effect on the central nervous system, including  
24 its salts, isomers, esters, or ethers, and salts of isomers, esters, or  
25 ethers whenever the existence of such salts, isomers, esters, or  
26 ethers, and salts of isomers, esters, or ethers is possible within any  
27 of the following specific chemical designations:

28     (1) Naphthylpyrovalerone whether or not further substituted in  
29 the naphthyl ring to any extent with alkyl, alkoxy, alkylendioxy,  
30 haloalkyl, or halide substituents, whether or not further substituted  
31 in the naphthyl ring by one or more other univalent substituents,  
32 or whether or not further substituted in the carbon chain at the 3-,  
33 4-, or 5-position with an alkyl substituent.

34     (2) 2-amino-1-phenyl-1-propanone (cathinone) or variation in  
35 any of the following ways:

36     (A) By substitution in the phenyl ring to any extent with alkyl,  
37 alkoxy, alkylendioxy, haloalkyl, or halide substituents, whether  
38 or not further substituted in the phenyl ring by one or more other  
39 univalent substituents.

40     (B) By substitution at the 3-position with an alkyl substituent.

1 (C) By substitution at the nitrogen atom with alkyl, dialkyl, or  
2 benzyl groups, or by inclusion of the nitrogen atom in a cyclic  
3 structure.

4 (c) *Every person who possesses, under circumstances that do*  
5 *not include possession for sale as described in subdivision (a),*  
6 *28.5 grams or less of any synthetic stimulant compound specified*  
7 *in subdivision (b), or any synthetic stimulant derivative, shall be*  
8 *punished by imprisonment in a county jail for a period of not more*  
9 *than one month, or by a fine of five hundred dollars (\$500), or by*  
10 *both that fine and imprisonment.*

11 (d) *Every person who possesses, under circumstances that do*  
12 *not include possession for sale as described in subdivision (a),*  
13 *more than 28.5 grams of any synthetic stimulant compound*  
14 *specified in subdivision (b), or any synthetic stimulant derivative,*  
15 *shall be punished by imprisonment in a county jail for a period of*  
16 *not more than six months, or by a fine not exceeding one thousand*  
17 *dollars (\$1,000), or by both that fine and imprisonment.*

18 (e)

19 (e) This section shall not prohibit prosecution under any other  
20 ~~provision of law.~~

21 SEC. 3. 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 penalty  
26 for a crime or infraction, within the meaning of Section 17556 of  
27 the Government Code, or changes the definition of a crime within  
28 the meaning of Section 6 of Article XIII B of the California  
29 Constitution.