

AMENDED IN SENATE APRIL 4, 2011

SENATE BILL

No. 420

Introduced by Senator Hernandez

February 16, 2011

An act to add Section 11357.5 to the ~~Penal~~ *Health and Safety Code*, relating to controlled substances.

LEGISLATIVE COUNSEL'S DIGEST

SB 420, as amended, Hernandez. Synthetic cannabinoid compounds.

Existing law, the California Uniform Controlled Substances Act, classifies controlled substances into 5 designated schedules, with the most restrictive limitations generally placed on controlled substances classified in Schedule I, and the least restrictive limitations generally placed on controlled substances classified in Schedule V. Under existing law, the sale or distribution of specified intoxicating substances is a crime, punishable by imprisonment or a fine or both. Existing law makes the possession of not more than 28.5 grams of marijuana an infraction, and the possession of more than 28.5 *grams* of marijuana a misdemeanor, as specified. Existing law makes possession of marijuana for sale a felony.

This bill would make the possession of not more than 28.5 grams of any synthetic cannabinoid compound, *as defined*, an infraction and the possession of more than 28.5 *grams* of any synthetic cannabinoid compound a misdemeanor, as specified. The bill would make possession of any synthetic cannabinoid compound for sale a ~~felony~~ *misdemeanor*. Because this bill would create a new crime it 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 is added to the ~~Penal~~ *Health and*
2 *Safety Code*, to read:

3 11357.5. (a) Except as authorized by law, every person who
4 possesses not more than 28.5 grams of any synthetic cannabinoid
5 compound, is guilty of an infraction punishable by a fine of not
6 more than one hundred dollars (\$100).

7 (b) Except as authorized by law, every person who possesses
8 more than 28.5 grams of any synthetic cannabinoid compound,
9 shall be punished by imprisonment in a county jail for a period of
10 not more than six months or by a fine of not more than five hundred
11 dollars (\$500), or by both that fine and imprisonment.

12 (c) Except as authorized by law, every person 18 years of age
13 or older who possesses not more than 28.5 grams of any synthetic
14 cannabinoid compound, upon the grounds of, or within, any school
15 providing instruction in kindergarten or any of grades 1 through
16 12, inclusive, during hours the school is open for classes or
17 school-related programs is guilty of a misdemeanor and shall be
18 punished by a fine of not more than five hundred dollars (\$500),
19 or by imprisonment in county jail for a period of not more than 10
20 days, or both that imprisonment and fine.

21 (e)

22 (d) Except as authorized by law, every person *under* 18 years
23 of age who possesses not more than 28.5 grams of any synthetic
24 cannabinoid compound, upon the grounds of, or within, any school
25 providing instruction in kindergarten or any of grades 1 through
26 12, inclusive, during hours the school is open for classes or
27 school-related programs is guilty of a misdemeanor and shall be
28 subject to the following dispositions:

29 (1) A fine of not more than two hundred fifty dollars (\$250),
30 upon a finding that a first offense has been committed.

1 (2) A fine of not more than five hundred dollars (\$500), or
2 commitment to a juvenile hall, ranch, camp, forestry camp, or
3 secure juvenile home for a period of not more than 10 days, or
4 both that commitment or fine, upon a finding that a second or
5 subsequent offense has been committed.

6 (f)

7 (e) Every person who possesses for sale any synthetic
8 cannabinoid compound, except as otherwise provided by law, shall
9 be punished by imprisonment ~~in the state prison~~ *in a county jail not*
10 *exceeding six months, or by a fine not exceeding one thousand*
11 *dollars (\$1,000), or by both that fine and imprisonment.*

12 (f) As used in this section, the term “synthetic cannabinoid
13 compound” refers to any of the following substances:

- 14 (1) *1-pentyl-3-(1-naphthoyl)indole (JWH-018).*
- 15 (2) *1-butyl-3-(1-naphthoyl)indole (JWH-073).*
- 16 (3) *1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole*
17 *(JWH-200).*
- 18 (4) *5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol*
19 *(CP-47,497).*
- 20 (5) *5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol*
21 *(cannabicyclohexanol; CP-47, 497 C8 homologue).*

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

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