

Introduced by Senator GalgianiFebruary 21, 2014

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

LEGISLATIVE COUNSEL'S DIGEST

SB 1283, as introduced, Galgiani. Controlled substances.

Existing law makes it a misdemeanor to sell, dispense, distribute, furnish, administer, or give, to offer to sell, dispense, distribute, furnish, administer, or give, or to possess for sale, any synthetic stimulant compound or any specified synthetic stimulant derivative, including naphthylpyrovalerone and 2-amino-1-phenyl-1-propanone.

Existing law makes it a misdemeanor to sell, dispense, distribute, furnish, administer, or give, or offer to sell, dispense, distribute, furnish, administer, or give, or possess for sale any synthetic cannabinoid compound or any synthetic cannabinoid derivative.

This bill would also make the use or possession of those specified synthetic stimulant derivatives, or any synthetic cannabinoid compound or any synthetic cannabinoid derivative a misdemeanor. By creating new crimes, this bill would impose a state-mandated local program upon local governments.

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 *uses, possesses, sells,*
4 *dispenses, distributes, furnishes, administers, or gives, or offers*
5 *to sell, dispense, distribute, furnish, administer, or give, or*
6 *possesses for sale any synthetic cannabinoid compound, or any*
7 *synthetic cannabinoid derivative, to any person, is guilty of a*
8 *misdemeanor punishable by imprisonment in a county jail not*
9 *exceeding six months, or by a fine not exceeding one thousand*
10 *dollars (\$1,000), or by both that fine and imprisonment.*

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

13 (1) 1-pentyl-3-(1-naphthoyl)indole (JWH-018).

14 (2) 1-butyl-3-(1-naphthoyl)indole (JWH-073).

15 (3) 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole
16 (JWH-200).

17 (4) 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol
18 (CP-47,497).

19 (5) 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol
20 (cannabicyclohexanol; CP-47,497 C8 homologue).

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

23 11375.5. (a) Every person who *uses, possesses, sells,*
24 *dispenses, distributes, furnishes, administers, or gives, or offers*
25 *to sell, dispense, distribute, furnish, administer, or give, any*
26 *synthetic stimulant compound specified in subdivision (b), or any*
27 *synthetic stimulant derivative, to any person, or who possesses*
28 *that compound or derivative for sale, is guilty of a misdemeanor*
29 *punishable by imprisonment in a county jail not exceeding six*
30 *months, or by a fine not exceeding one thousand dollars (\$1,000),*
31 *or by both that fine and imprisonment.*

32 (b) Unless specifically excepted, or contained within a
33 pharmaceutical product approved by the United States Food and
34 Drug Administration, or unless listed in another schedule,
35 subdivision (a) applies to any material, compound, mixture, or
36 preparation which contains any quantity of the following substances
37 having a stimulant effect on the central nervous system, including
38 its salts, isomers, esters, or ethers, and salts of isomers, esters, or

1 ethers whenever the existence of such salts, isomers, esters, or
2 ethers, and salts of isomers, esters, or ethers is possible within any
3 of the following specific chemical designations:

4 (1) Naphthylpyrovalerone whether or not further substituted in
5 the naphthyl ring to any extent with alkyl, alkoxy, alkylendioxy,
6 haloalkyl, or halide substituents, whether or not further substituted
7 in the naphthyl ring by one or more other univalent substituents,
8 or whether or not further substituted in the carbon chain at the 3-,
9 4-, or 5-position with an alkyl substituent.

10 (2) 2-amino-1-phenyl-1-propanone (cathinone) or variation in
11 any of the following ways:

12 (A) By substitution in the phenyl ring to any extent with alkyl,
13 alkoxy, alkylendioxy, haloalkyl, or halide substituents, whether
14 or not further substituted in the phenyl ring by one or more other
15 univalent substituents.

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

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

20 (c) This section shall not prohibit prosecution under any other
21 provision of law.

22 SEC. 3. 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.