

AMENDED IN SENATE MAY 27, 2014

AMENDED IN SENATE MAY 6, 2014

SENATE BILL

No. 1283

Introduced by Senator Galgiani

February 21, 2014

An act to ~~amend~~ *amend, repeal, and add* Sections 11357.5 and 11375.5 of the Health and Safety Code, and to ~~amend~~ *amend, repeal, and add* Section 1210 of the Penal Code, relating to controlled substances.

LEGISLATIVE COUNSEL'S DIGEST

SB 1283, as amended, Galgiani. Controlled substances.

(1) 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 compounds or synthetic stimulant derivatives, or any synthetic cannabinoid compound or any synthetic cannabinoid derivative a crime. The bill would provide that a first offense is punishable as an infraction, a 2nd offense is punishable as an infraction or a misdemeanor, and a 3rd or subsequent offense is punishable as a misdemeanor. By creating new crimes, this bill would impose a state-mandated local ~~program upon local governments.~~ *program.*

The bill would request the Luskin School of Public Affairs at the University of California, Los Angeles, or would require Judicial Council to contract with another entity ~~in the event if the University~~ *university* does not comply with ~~the~~ *that* request, to design an evidence-based education program and treatment model for participation in by individuals convicted of the ~~above-described~~ *above-described* crimes, as provided. The bill would require Judicial Council to approve the program and treatment model upon a finding that courts can successfully implement the program and education model.

The bill would authorize a defendant, in his or her discretion, to elect to participate in the evidence-based education program and treatment model, if convicted of the ~~above-described~~ *above-described* crimes, in which case the execution of sentence ~~is stayed and either, in the court's discretion, an amount less than the total amount of any fine imposed will be deposited into an escrow account or the person will be ordered to perform community service.~~ *would be stayed.* The bill would specify that upon successful completion of the program, the case against the defendant ~~is dismissed and any moneys deposited into the escrow account are returned to the defendant.~~ *would be dismissed.*

(2) Existing law, the Substance Abuse and Crime Prevention Act of 2000, enacted by Proposition 36 at the November 7, 2000, general election, requires any person convicted of a nonviolent drug possession offense to receive probation. As a condition of probation, a defendant is required to participate in, and complete, an appropriate drug treatment program. ~~Amendment of the act by the Legislature requires a 2/3 vote of both houses of the Legislature. The act requires all amendments to it to further the act and be consistent with its purposes.~~

Existing law defines “nonviolent drug possession offense” for purposes of the act to mean the unlawful personal use, possession for personal use, or transportation for personal use of a specified controlled substance, or being under the influence of a controlled substance, as specified.

This bill would additionally define a “nonviolent drug possession offense” to include the *misdemeanor* use or possession of a synthetic stimulant compound, synthetic stimulant derivative, synthetic cannabinoid compound, or synthetic cannabinoid derivative. *By requiring counties to supervise additional persons on probation, this bill would impose a state-mandated local program.*

~~The bill would declare that its provisions further the purposes of the act.~~

The bill would specify that a defendant convicted of any offense described in (1) above who was granted probation and required to participate in a drug treatment program, and who ~~does~~ *did* not successfully complete that drug treatment program, ~~is~~ *would be* presumed ~~to be~~ eligible for participation in any available drug court program.

The bill would make its provisions operative on January 1, 2016.

(3) 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: $\frac{2}{3}$ -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
7 derivative, to any person, is guilty of a misdemeanor punishable
8 by imprisonment in a county jail not exceeding six months, or by
9 a fine not exceeding one thousand dollars (\$1,000), or by both that
10 fine and imprisonment.

11 ~~(b) (1) Every person who uses or possess any synthetic~~
12 ~~cannabinoid compound, or any synthetic cannabinoid derivative,~~
13 ~~is guilty of a public offense punishable as follows:~~

14 ~~(A) A first offense is an infraction punishable by a fine not~~
15 ~~exceeding two hundred fifty dollars (\$250).~~

16 ~~(B) A second offense is an infraction punishable by a fine not~~
17 ~~exceeding two hundred fifty dollars (\$250) or a misdemeanor~~
18 ~~punishable by imprisonment in a county jail not exceeding six~~
19 ~~months, a fine not exceeding five hundred dollars (\$500), or by~~
20 ~~both that fine and imprisonment.~~

21 ~~(C) A third or subsequent offense is a misdemeanor punishable,~~
22 ~~by imprisonment in a county jail not exceeding six months, or by~~

1 a fine not exceeding one thousand dollars (\$1,000), or by both that
2 fine and imprisonment.

3 ~~(2) A defendant convicted of a violation of paragraph (1), may,
4 in his or her discretion, elect to participate in the education program
5 designed and implemented pursuant to paragraph (3). If that
6 election is made, execution of the sentence imposed pursuant to
7 paragraph (1) shall be stayed and either an amount less than the
8 total amount of any fine imposed shall be deposited in an escrow
9 account or the person shall perform community service. In
10 determining whether to require a deposit or the performance of
11 community service, the court shall consider the nature of the
12 sentence to be stayed, the defendant's ability to pay a deposit, and
13 the defendant's preference. Upon successful completion of the
14 education program, the case against the defendant shall be
15 dismissed and any moneys deposited into an escrow account shall
16 be returned to the defendant.~~

17 ~~(3) (A) The Luskin School of Public Affairs at the University
18 of California, Los Angeles is requested to design, or designate
19 another entity to design, an evidence-based education program
20 and treatment model for individuals convicted of a violation of
21 paragraph (1) of subdivision (b) or a violation of paragraph (1) of
22 subdivision (b) of Section 11375.5. If the university does not
23 comply with that request, the Judicial Council shall contract with
24 another entity to design that education program and treatment
25 model.~~

26 ~~(B) Prior to implementing the education program and treatment
27 model designed pursuant to subparagraph (A), the Judicial Council
28 shall approve that education program and treatment model, upon
29 finding that courts can successfully implement it. During the
30 approval process, the Judicial Council may consult with the
31 Substance Use Disorder Services Divisions of the State Department
32 of Health Care Services.~~

33 ~~(C) Upon approval of the education program and treatment
34 model pursuant to subparagraph (B), the Judicial Council shall
35 assist courts in obtaining educational materials required to
36 implement, and in implementing, that education program and
37 treatment model. During the implementation process, the Judicial
38 Council may consult with the Substance Use Disorder Services
39 Divisions of the State Department of Health Care Services.~~

1 ~~(4) Notwithstanding any other law, a defendant convicted of a~~
2 ~~violation of paragraph (1) who was granted probation and required~~
3 ~~to participate in a drug treatment program pursuant to Section~~
4 ~~1210.1 of the Penal Code, and who does not successfully complete~~
5 ~~that drug treatment program shall be presumed eligible for~~
6 ~~participation in any available drug court program.~~

7 (e)

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

10 (1) 1-pentyl-3-(1-naphthoyl)indole (JWH-018).

11 (2) 1-butyl-3-(1-naphthoyl)indole (JWH-073).

12 (3) 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole
13 (JWH-200).

14 (4) 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol
15 (CP-47,497).

16 (5) 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol
17 (cannabicyclohexanol; CP-47,497 C8 homologue).

18 (c) *This section shall remain in effect only until January 1, 2016,*
19 *and as of that date is repealed, unless a later enacted statute, that*
20 *is enacted before January 1, 2016, deletes or extends that date.*

21 *SEC. 2. Section 11357.5 is added to the Health and Safety*
22 *Code, to read:*

23 *11357.5. (a) Every person who sells, dispenses, distributes,*
24 *furnishes, administers, or gives, or offers to sell, dispense,*
25 *distribute, furnish, administer, or give, or possesses for sale any*
26 *synthetic cannabinoid compound, or any synthetic cannabinoid*
27 *derivative, to any person, is guilty of a misdemeanor punishable*
28 *by imprisonment in a county jail not to exceed six months, or by*
29 *a fine not to exceed one thousand dollars (\$1,000), or by both that*
30 *fine and imprisonment.*

31 (b) (1) *Every person who uses or possesses any synthetic*
32 *cannabinoid compound, or any synthetic cannabinoid derivative,*
33 *is guilty of a public offense punishable as follows:*

34 (A) *A first offense is an infraction punishable by a fine not to*
35 *exceed two hundred fifty dollars (\$250).*

36 (B) *A second offense is an infraction punishable by a fine not*
37 *to exceed two hundred fifty dollars (\$250) or a misdemeanor*
38 *punishable by imprisonment in a county jail not to exceed six*
39 *months, a fine not to exceed five hundred dollars (\$500), or by*
40 *both that fine and imprisonment.*

1 (C) A third or subsequent offense is a misdemeanor punishable
2 by imprisonment in a county jail not to exceed six months, or by
3 a fine not to exceed one thousand dollars (\$1,000), or by both that
4 fine and imprisonment.

5 (2) A defendant convicted of a violation of paragraph (1), may,
6 in his or her discretion, elect to participate in the education
7 program designed and implemented pursuant to paragraph (3). If
8 that election is made, execution of the sentence imposed pursuant
9 to paragraph (1) shall be stayed. Upon successful completion of
10 the education program, the case against the defendant shall be
11 dismissed.

12 (3) (A) The Luskin School of Public Affairs at the University
13 of California, Los Angeles is requested to design, or designate
14 another entity to design, an evidence-based education program
15 and treatment model for individuals convicted of a violation of
16 paragraph (1) of subdivision (b) or a violation of paragraph (1)
17 of subdivision (b) of Section 11375.5. If the university does not
18 comply with that request, the Judicial Council shall contract with
19 another entity to design that education program and treatment
20 model.

21 (B) Prior to implementing the education program and treatment
22 model designed pursuant to subparagraph (A), the Judicial Council
23 shall approve that education program and treatment model, upon
24 finding that courts can successfully implement it. During the
25 approval process, the Judicial Council may consult with the
26 Substance Use Disorder Services Divisions of the State Department
27 of Health Care Services.

28 (C) Upon approval of the education program and treatment
29 model pursuant to subparagraph (B), the Judicial Council shall
30 assist courts in obtaining educational materials required to
31 implement, and in implementing, that education program and
32 treatment model. During the implementation process, the Judicial
33 Council may consult with the Substance Use Disorder Services
34 Divisions of the State Department of Health Care Services.

35 (4) Notwithstanding any other law, a defendant convicted of a
36 violation of paragraph (1) who was granted probation and required
37 to participate in a drug treatment program pursuant to Section
38 1210.1 of the Penal Code, and who does not successfully complete
39 that drug treatment program shall be presumed eligible for
40 participation in any available drug court program.

1 (c) As used in this section, the term “synthetic cannabinoid
2 compound” refers to any of the following substances:

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

4 (2) 1-butyl-3-(1-naphthoyl)indole (JWH-073).

5 (3) 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole
6 (JWH-200).

7 (4) 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol
8 (CP-47,497).

9 (5) 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol
10 (cannabicyclohexanol; CP-47,497 C8 homologue).

11 (d) This section shall become operative on January 1, 2016.

12 ~~SEC. 2.~~

13 SEC. 3. Section 11375.5 of the Health and Safety Code is
14 amended to read:

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

24 ~~(b) (1) Every person who uses or possess any synthetic~~
25 ~~stimulant compound specified in subdivision (e), or any synthetic~~
26 ~~stimulant derivative, is guilty of a public offense punishable as~~
27 ~~follows:~~

28 ~~(A) A first offense is an infraction punishable by a fine not~~
29 ~~exceeding two hundred fifty dollars (\$250).~~

30 ~~(B) A second offense is an infraction punishable by a fine not~~
31 ~~exceeding two hundred fifty dollars (\$250) or a misdemeanor~~
32 ~~punishable by imprisonment in a county jail not exceeding six~~
33 ~~months, a fine not exceeding five dollars (\$500), or by both that~~
34 ~~fine and imprisonment.~~

35 ~~(C) A third or subsequent offense is a misdemeanor punishable~~
36 ~~by imprisonment in a county jail not exceeding six months, or by~~
37 ~~a fine not exceeding one thousand dollars (\$1,000), or by both that~~
38 ~~fine and imprisonment.~~

39 ~~(2) A defendant convicted of a violation of paragraph (1) may,~~
40 ~~in his or her discretion, elect to participate in the education program~~

1 designed and implemented pursuant to paragraph (3) of subdivision
2 (b) of Section 11357.5. If that election is made, execution of the
3 sentence imposed pursuant to paragraph (1) shall be stayed and
4 either an amount less than the total amount of any fine imposed
5 shall be deposited in an escrow account or the person shall perform
6 community service. In determining whether to require a deposit
7 or the performance of community service, the court shall consider
8 the nature of the sentence to be stayed, the defendant's ability to
9 pay a deposit, and the defendant's preference. Upon successful
10 completion of the education program, the case against the defendant
11 shall be dismissed and any moneys deposited into an escrow
12 account shall be returned to the defendant.

13 ~~(3) Notwithstanding any other law, a defendant convicted of a~~
14 ~~violation of paragraph (1) who was granted probation and required~~
15 ~~to participate in a drug treatment program pursuant to Section~~
16 ~~1210.1 of the Penal Code, and who does not successfully complete~~
17 ~~that drug treatment program shall be presumed eligible for~~
18 ~~participation in any available drug court program.~~

19 (e)

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

31 (1) Naphthylpyrovalerone whether or not further substituted in
32 the naphthyl ring to any extent with alkyl, alkoxy, alkylendioxy,
33 haloalkyl, or halide substituents, whether or not further substituted
34 in the naphthyl ring by one or more other univalent substituents,
35 or whether or not further substituted in the carbon chain at the 3-,
36 4-, or 5-position with an alkyl substituent.

37 (2) 2-amino-1-phenyl-1-propanone (cathinone) or variation in
38 any of the following ways:

39 (A) By substitution in the phenyl ring to any extent with alkyl,
40 alkoxy, alkylendioxy, haloalkyl, or halide substituents, whether

1 or not further substituted in the phenyl ring by one or more other
2 univalent substituents.

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

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

7 ~~(d)~~

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

10 (d) *This section shall remain in effect only until January 1, 2016,*
11 *and as of that date is repealed, unless a later enacted statute, that*
12 *is enacted before January 1, 2016, deletes or extends that date.*

13 SEC. 4. *Section 11375.5 is added to the Health and Safety*
14 *Code, to read:*

15 11375.5. (a) *Every person who sells, dispenses, distributes,*
16 *furnishes, administers, or gives, or offers to sell, dispense,*
17 *distribute, furnish, administer, or give, any synthetic stimulant*
18 *compound specified in subdivision (c), or any synthetic stimulant*
19 *derivative, to any person, or who possesses that compound or*
20 *derivative for sale, is guilty of a misdemeanor punishable by*
21 *imprisonment in a county jail not to exceed six months, or by a*
22 *fine not to exceed one thousand dollars (\$1,000), or by both that*
23 *fine and imprisonment.*

24 (b) (1) *Every person who uses or possesses any synthetic*
25 *stimulant compound specified in subdivision (c), or any synthetic*
26 *stimulant derivative, is guilty of a public offense punishable as*
27 *follows:*

28 (A) *A first offense is an infraction punishable by a fine not to*
29 *exceed two hundred fifty dollars (\$250).*

30 (B) *A second offense is an infraction punishable by a fine not*
31 *to exceed two hundred fifty dollars (\$250) or a misdemeanor*
32 *punishable by imprisonment in a county jail not to exceed six*
33 *months, a fine not to exceed five hundred dollars (\$500), or by*
34 *both that fine and imprisonment.*

35 (C) *A third or subsequent offense is a misdemeanor punishable*
36 *by imprisonment in a county jail not to exceed six months, or by*
37 *a fine not to exceed one thousand dollars (\$1,000), or by both that*
38 *fine and imprisonment.*

39 (2) *A defendant convicted of a violation of paragraph (1) may,*
40 *in his or her discretion, elect to participate in the education*

1 program designed and implemented pursuant to paragraph (3) of
2 subdivision (b) of Section 11357.5. If that election is made,
3 execution of the sentence imposed pursuant to paragraph (1) shall
4 be stayed. Upon successful completion of the education program,
5 the case against the defendant shall be dismissed.

6 (3) Notwithstanding any other law, a defendant convicted of a
7 violation of paragraph (1) who was granted probation and required
8 to participate in a drug treatment program pursuant to Section
9 1210.1 of the Penal Code, and who does not successfully complete
10 that drug treatment program shall be presumed eligible for
11 participation in any available drug court program.

12 (c) Unless specifically excepted, or contained within a
13 pharmaceutical product approved by the United States Food and
14 Drug Administration, or unless listed in another schedule,
15 subdivisions (a) and (b) apply to any material, compound, mixture,
16 or preparation which contains any quantity of the following
17 substances having a stimulant effect on the central nervous system,
18 including its salts, isomers, esters, or ethers, and salts of isomers,
19 esters, or ethers whenever the existence of such salts, isomers,
20 esters, or ethers, and salts of isomers, esters, or ethers is possible
21 within any of the following specific chemical designations:

22 (1) Naphthylpyrovalerone whether or not further substituted in
23 the naphthyl ring to any extent with alkyl, alkoxy, alkylendioxy,
24 haloalkyl, or halide substituents, whether or not further substituted
25 in the naphthyl ring by one or more other univalent substituents,
26 or whether or not further substituted in the carbon chain at the 3-,
27 4-, or 5-position with an alkyl substituent.

28 (2) 2-amino-1-phenyl-1-propanone (cathinone) or variation in
29 any of the following ways:

30 (A) By substitution in the phenyl ring to any extent with alkyl,
31 alkoxy, alkylendioxy, haloalkyl, or halide substituents, whether
32 or not further substituted in the phenyl ring by one or more other
33 univalent substituents.

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

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

38 (d) This section shall not prohibit prosecution under any other
39 provision of law.

40 (e) This section shall become operative on January 1, 2016.

1 ~~SEC. 3.~~

2 *SEC. 5.* Section 1210 of the Penal Code is amended to read:

3 1210. As used in Sections 1210.1 and 3063.1 of this code, and
4 Division 10.8 (commencing with Section 11999.4) of the Health
5 and Safety Code, the following definitions apply:

6 (a) The term “nonviolent drug possession offense” means the
7 unlawful personal use, possession for personal use, or
8 transportation for personal use of any controlled substance
9 identified in Section 11054, 11055, 11056, ~~11057~~ 11057, or 11058
10 of the Health and Safety Code, *or* the offense of being under the
11 influence of a controlled substance in violation of Section 11550
12 of the Health and Safety Code, ~~the misdemeanor offense of using~~
13 ~~or possessing a synthetic cannabinoid compound in violation of~~
14 ~~paragraph (1) of subdivision (b) of Section 11357.5 of the Health~~
15 ~~and Safety Code, or the misdemeanor offense of using or~~
16 ~~possessing a synthetic stimulant compound in violation of~~
17 ~~paragraph (1) of subdivision (b) of Section 11375.5 of the Health~~
18 ~~and Safety Code. The term “nonviolent drug possession offense”~~
19 does not include the possession for sale, production, or
20 manufacturing of any controlled substance and does not include
21 violations of Section 4573.6 or 4573.8.

22 (b) The term “drug treatment program” or “drug treatment”
23 means a state licensed or certified community drug treatment
24 program, which may include one or more of the following: drug
25 education, outpatient services, narcotic replacement therapy,
26 residential treatment, detoxification services, and aftercare services.
27 The term “drug treatment program” or “drug treatment” includes
28 a drug treatment program operated under the direction of the
29 Veterans Health Administration of the Department of Veterans
30 Affairs or a program specified in Section 8001. That type of
31 program shall be eligible to provide drug treatment services without
32 regard to the licensing or certification provisions required by this
33 subdivision. The term “drug treatment program” or “drug
34 treatment” does not include drug treatment programs offered in a
35 prison or jail facility.

36 (c) The term “successful completion of treatment” means that
37 a defendant who has had drug treatment imposed as a condition
38 of probation has completed the prescribed course of drug treatment
39 as recommended by the treatment provider and ordered by the
40 court and, as a result, there is reasonable cause to believe that the

1 defendant will not abuse controlled substances in the future.
2 Completion of treatment shall not require cessation of narcotic
3 replacement therapy.

4 (d) The term “misdemeanor not related to the use of drugs”
5 means a misdemeanor that does not involve (1) the simple
6 possession or use of drugs or drug paraphernalia, being present
7 where drugs are used, or failure to register as a drug offender, or
8 (2) any activity similar to those listed in (1).

9 (e) *This section shall remain in effect only until January 1, 2016,*
10 *and as of that date is repealed, unless a later enacted statute, that*
11 *is enacted before January 1, 2016, deletes or extends that date.*

12 SEC. 6. *Section 1210 is added to the Penal Code, to read:*

13 *1210. As used in Sections 1210.1 and 3063.1 of this code, and*
14 *Division 10.8 (commencing with Section 11999.4) of the Health*
15 *and Safety Code, the following definitions apply:*

16 (a) *The term “nonviolent drug possession offense” means the*
17 *unlawful personal use, possession for personal use, or*
18 *transportation for personal use of any controlled substance*
19 *identified in Section 11054, 11055, 11056, 11057, or 11058 of the*
20 *Health and Safety Code, the offense of being under the influence*
21 *of a controlled substance in violation of Section 11550 of the*
22 *Health and Safety Code, the misdemeanor offense of using or*
23 *possessing a synthetic cannabinoid compound in violation of*
24 *paragraph (1) of subdivision (b) of Section 11357.5 of the Health*
25 *and Safety Code, or the misdemeanor offense of using or possessing*
26 *a synthetic stimulant compound in violation of paragraph (1) of*
27 *subdivision (b) of Section 11375.5 of the Health and Safety Code.*
28 *The term “nonviolent drug possession offense” does not include*
29 *the possession for sale, production, or manufacturing of any*
30 *controlled substance and does not include violations of Section*
31 *4573.6 or 4573.8.*

32 (b) *The term “drug treatment program” or “drug treatment”*
33 *means a state licensed or certified community drug treatment*
34 *program, which may include one or more of the following: drug*
35 *education, outpatient services, narcotic replacement therapy,*
36 *residential treatment, detoxification services, and aftercare*
37 *services. The term “drug treatment program” or “drug treatment”*
38 *includes a drug treatment program operated under the direction*
39 *of the Veterans Health Administration of the Department of*
40 *Veterans Affairs or a program specified in Section 8001. That type*

1 of program shall be eligible to provide drug treatment services
2 without regard to the licensing or certification provisions required
3 by this subdivision. The term “drug treatment program” or “drug
4 treatment” does not include drug treatment programs offered in
5 a prison or jail facility.

6 (c) The term “successful completion of treatment” means that
7 a defendant who has had drug treatment imposed as a condition
8 of probation has completed the prescribed course of drug treatment
9 as recommended by the treatment provider and ordered by the
10 court and, as a result, there is reasonable cause to believe that the
11 defendant will not abuse controlled substances in the future.
12 Completion of treatment shall not require cessation of narcotic
13 replacement therapy.

14 (d) The term “misdemeanor not related to the use of drugs”
15 means a misdemeanor that does not involve (1) the simple
16 possession or use of drugs or drug paraphernalia, being present
17 where drugs are used, or failure to register as a drug offender, or
18 (2) any activity similar to those listed above.

19 (e) This section shall become operative on January 1, 2016.

20 ~~SEC. 4.~~

21 ~~SEC. 7.~~ 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.

30 ~~SEC. 5.~~ ~~The Legislature finds and declares that this act furthers~~
31 ~~the purpose of the Substance Abuse and Crime Prevention Act of~~
32 ~~2000 enacted by Proposition 36 at the November 7, 2000, general~~
33 ~~election.~~