

AMENDED IN ASSEMBLY MARCH 9, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2495

Introduced by Assembly Member Eggman

February 19, 2016

An act to add Section 11376.6 to the Health and Safety Code, relating to controlled substances.

LEGISLATIVE COUNSEL'S DIGEST

AB 2495, as amended, Eggman. Controlled substances.

Existing law makes it a crime to possess specified controlled substances. *Existing law makes it a crime to use or be under the influence of specified controlled substances.* Existing law additionally makes it a crime to visit or be in any room where specified controlled substances are being unlawfully used with knowledge that the activity is occurring, or to open or maintain a place for the purpose of giving away or using specified controlled substances. Existing law makes it a crime for a person to rent, lease, or make available for use any building or room for the purpose of storing or distributing any controlled substance. Existing law authorizes forfeiture of property used for specified crimes involving controlled substances.

~~This bill would exempt a person from those criminal sanctions while he or she is using or operating an adult public health or medical intervention that is permitted by state or local health departments and intended to reduce death, disability, or injury due to the use of controlled substances.~~ *authorize state or local health departments to authorize the operation of specified adult public health or medical intervention programs intended to reduce death, disease, or injury due to the use and administration of controlled substances. The bill would exempt a*

person from the criminal sanctions above while he or she is operating an adult public health or medical intervention program authorized by a state or local health department.

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

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

1 *SECTION 1. Section 11376.6 is added to the Health and Safety*
2 *Code, to read:*

3 *11376.6. (a) State or local health departments may allow a*
4 *person or entity to establish and operate an adult public health or*
5 *medical intervention program intended to reduce death, disease,*
6 *or injury due to the use and administration of controlled*
7 *substances, including, but not limited to, supervised consumption*
8 *services where adults may consume preobtained controlled*
9 *substances under the supervision of staff in a safe and hygienic*
10 *facility.*

11 *(b) Notwithstanding any other law, any person or entity,*
12 *including, but not limited to, property owners, managers,*
13 *employees, volunteers, and clients or participants, involved in the*
14 *operation or utilization of an adult public health or medical*
15 *intervention program under subdivision (a) shall not be arrested,*
16 *charged, or prosecuted pursuant to Section 11350, 11364, 11365,*
17 *11366, 11366.5, or 11377, or subdivision (a) of Section 11550,*
18 *including for attempt, aiding and abetting, or conspiracy to commit*
19 *a violation of any of those sections, or have his or her property*
20 *subject to forfeiture, or otherwise be penalized solely for actions*
21 *or conduct allowed by state or local health departments pursuant*
22 *to subdivision (a).*

23 *(c) Subdivision (b) shall only protect property owners,*
24 *managers, employees, volunteers, and clients or participants of*
25 *the public health or medical intervention program for actions or*
26 *conduct allowed by state or local health departments pursuant to*
27 *subdivision (a).*

28 ~~*SECTION 1. Section 11376.6 is added to the Health and Safety*~~
29 ~~*Code, to read:*~~

30 ~~*11376.6. Notwithstanding any other law, a person or entity,*~~
31 ~~*including, but not limited to, property owners, managers,*~~
32 ~~*employees, volunteers, and clients or participants, involved in the*~~

1 ~~operation or utilization of an adult public health or medical~~
2 ~~intervention program that is permitted by state or local health~~
3 ~~departments and intended to reduce death, disability, or injury due~~
4 ~~to the use of controlled substances shall not be arrested, charged,~~
5 ~~or prosecuted pursuant to Section 11350, 11365, 11366, or 11366.5~~
6 ~~for actions or conduct undertaken at the direction of staff or~~
7 ~~pursuant to the program while the intervention is in operation or~~
8 ~~being utilized, or have his or her property subject to forfeiture, or~~
9 ~~otherwise be penalized solely for actions or conduct permitted by~~
10 ~~this section.~~

O