

AMENDED IN ASSEMBLY MARCH 30, 2016

AMENDED IN ASSEMBLY MARCH 9, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2495**

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**Introduced by Assembly Member Eggman**

February 19, 2016

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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 or paraphernalia. 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 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 substances,  
7 including, but not limited to, supervised consumption services  
8 where adults may consume preobtained controlled substances  
9 under the supervision of staff in a safe and hygienic facility. *In*  
10 *addition to the prevention of death, disease, or injury, these*  
11 *programs shall provide, at a minimum, substance use disorder*  
12 *treatment either directly or through referral.*

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

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

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