

AMENDED IN SENATE AUGUST 18, 2015

SENATE BILL

No. 139

Introduced by Senator Galgiani
(Principal coauthor: Assembly Member Lackey)

January 26, 2015

An act to *repeal and* amend Sections 11357.5 and 11375.5 of the Health and Safety Code, relating to controlled substances, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 139, as amended, Galgiani. Controlled substances.

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 stimulant compound or any specified synthetic stimulant derivative. Existing law also 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. Existing law, beginning January 1, 2016, makes it an infraction to use or possess those drugs.

This bill would *instead make it an infraction to use or possess those drugs beginning on the effective date of this bill. The bill would also expand the definition of a synthetic stimulant compound and a synthetic cannabinoid compound for purposes of existing law. The bill would provide that a first offense of using or possessing those substances 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 expanding the scope of existing crimes and by

increasing the penalty for existing crimes, this *the* bill 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.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. 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 as amended by Section 1 of Chapter 372 of the Statutes of 2014,
3 is repealed.

4 ~~11357.5. (a) Every person who sells, dispenses, distributes,~~
5 ~~furnishes, administers, or gives, or offers to sell, dispense,~~
6 ~~distribute, furnish, administer, or give, or possesses for sale any~~
7 ~~synthetic cannabinoid compound, or any synthetic cannabinoid~~
8 ~~derivative, to any person, is guilty of a misdemeanor, punishable~~
9 ~~by imprisonment in a county jail not exceeding six months, or by~~
10 ~~a fine not exceeding one thousand dollars (\$1,000), or by both that~~
11 ~~fine and imprisonment.~~

12 ~~(b) 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 ~~(e) This section shall remain in effect only until January 1, 2016,~~
23 ~~and as of that date is repealed, unless a later enacted statute, that~~
24 ~~is enacted before January 1, 2016, deletes or extends that date.~~

1 SECTION 1.

2 SEC. 2. Section 11357.5 of the Health and Safety Code, as
3 added by Section 2 of Chapter 372 of the Statutes of 2014, is
4 amended to read:

5 11357.5. (a) Every person who sells, dispenses, distributes,
6 furnishes, administers, or gives, or offers to sell, dispense,
7 distribute, furnish, administer, or give, or possesses for sale any
8 synthetic cannabinoid compound, or any synthetic cannabinoid
9 derivative, to any person, is guilty of a misdemeanor, punishable
10 by imprisonment in a county jail not to exceed six months, or by
11 a fine not to exceed one thousand dollars (\$1,000), or by both that
12 fine and imprisonment.

13 (b) Every person who uses or possesses any synthetic
14 cannabinoid compound, or any synthetic cannabinoid derivative,
15 is guilty of a public offense, punishable as follows: *an infraction,*
16 *punishable by a fine not to exceed two hundred fifty dollars (\$250).*

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

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

24 ~~(3) A third or subsequent offense is a misdemeanor punishable~~
25 ~~by imprisonment in a county jail not exceeding six months, or by~~
26 ~~a fine not exceeding one thousand dollars (\$1,000), or by both that~~
27 ~~fine and imprisonment.~~

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

30 (1) Adamantoylindoles or adamantoylindazoles, which includes
31 adamantyl carboxamide indoles and adamantyl carboxamide
32 indazoles, or any compound structurally derived from
33 3-(1-adamantoyl)indole, 3-(1-adamantoyl)indazole,
34 3 - (2 - a d a m a n t o y l) i n d o l e ,
35 N-(1-adamantyl)-1H-indole-3-carboxamide, or
36 N-(1-adamantyl)-1H-indazole-3-carboxamide by substitution at
37 the nitrogen atom of the indole or indazole ring with alkyl,
38 haloalkyl, alkenyl, cyanoalkyl, hydroxyalkyl, cycloalkylmethyl,
39 cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl,
40 2-(4-morpholinyl)ethyl, or 1-(N-methyl-2-pyrrolidinyl)methyl,

1 1-(N-methyl-3-morpholinyl)methyl, or
2 (tetrahydropyran-4-yl)methyl group, whether or not further
3 substituted in the indole or indazole ring to any extent and whether
4 or not substituted in the adamantyl ring to any extent, including,
5 but not limited to, 2NE1, 5F-AKB-48, AB-001, AKB-48,
6 AM-1248, JWH-018 adamantyl carboxamide, STS-135.

7 (2) Benzoylindoles, which includes any compound structurally
8 derived from a 3-(benzoyl)indole structure with substitution at the
9 nitrogen atom of the indole ring with alkyl, haloalkyl, cyanoalkyl,
10 hydroxyalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
11 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, or
12 1-(N-methyl-2-pyrrolidinyl)methyl,
13 1-(N-methyl-3-morpholinyl)methyl, or
14 (tetrahydropyran-4-yl)methyl group, whether or not further
15 substituted in the indole ring to any extent and whether or not
16 substituted in the phenyl ring to any extent, including, but not
17 limited to, AM-630, AM-661, AM-679, AM-694, AM-1241,
18 AM-2233, RCS-4, WIN 48,098 (Pravadoline).

19 (3) Cyclohexylphenols, which includes any compound
20 structurally derived from 2-(3-hydroxycyclohexyl)phenol by
21 substitution at the 5-position of the phenolic ring by alkyl,
22 haloalkyl, cyanoalkyl, hydroxyalkyl, alkenyl, cycloalkylmethyl,
23 cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl,
24 2-(4-morpholinyl)ethyl, or 1-(N-methyl-2-pyrrolidinyl)methyl,
25 1-(N-methyl-3-morpholinyl)methyl, or
26 (tetrahydropyran-4-yl)methyl group, whether or not further
27 substituted in the cyclohexyl ring to any extent, including, but not
28 limited to, CP 47,497, CP 55,490, CP 55,940, CP 56,667,
29 cannabicyclohexanol.

30 (4) Cyclopropanoylindoles, which includes any compound
31 structurally derived from 3-(cyclopropylmethanoyl)indole,
32 3-(cyclopropylmethanone)indole, 3-(cyclobutylmethanone)indole
33 or 3-(cyclopentylmethanone)indole by substitution at the nitrogen
34 atom of the indole ring, whether or not further substituted in the
35 indole ring to any extent, whether or not substituted on the
36 cyclopropyl, cyclobutyl, or cyclopentyl rings to any extent.

37 (5) Naphthoylindoles, which includes any compound structurally
38 derived from 3-(1-naphthoyl)indole or
39 1H-indol-3-yl-(1-naphthyl)methane by substitution at the nitrogen
40 atom of the indole ring by alkyl, haloalkyl, cyanoalkyl,

1 hydroxyalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
2 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl group,
3 1 - (N - m e t h y l - 2 - p y r r o l i d i n y l) m e t h y l ,
4 1-(N-methyl-3-morpholinyl)methyl, or
5 (tetrahydropyran-4-yl)methyl group, whether or not further
6 substituted in the naphthyl ring to any extent, including, but not
7 limited to, AM-678, AM-1220, AM-1221, AM-1235, AM-2201,
8 AM-2232, EAM-2201, JWH-004, JWH-007, JWH-009, JWH-011,
9 JWH-015, JWH-016, JWH-018, JWH-019, JWH-020, JWH-022,
10 JWH-046, JWH-047, JWH-048, JWH-049, JWH-050, JWH-070,
11 JWH-071, JWH-072, JWH-073, JWH-076, JWH-079, JWH-080,
12 JWH-081, JWH-082, JWH-094, JWH-096, JWH-098, JWH-116,
13 JWH-120, JWH-122, JWH-148, JWH-149, JWH-164, JWH-166,
14 JWH-180, JWH-181, JWH-182, JWH-189, JWH-193, JWH-198,
15 JWH-200, JWH-210, JWH-211, JWH-212, JWH-213, JWH-234,
16 JWH-235, JWH-236, JWH-239, JWH-240, JWH-241, JWH-242,
17 JWH-258, JWH-262, JWH-386, JWH-387, JWH-394, JWH-395,
18 JWH-397, JWH-398, JWH-399, JWH-400, JWH-412, JWH-413,
19 JWH-414, JWH-415, JWH-424, MAM-2201, WIN 55,212.

20 (6) Naphthoynaphthalenes, which includes any compound
21 structurally derived from naphthalene-1-yl-(naphthalene-1-yl)
22 methanone with substitutions on either of the naphthalene rings
23 to any extent, including, but not limited to, CB-13.

24 (7) Naphthoalpyrroles, which includes any compound
25 structurally derived from 3-(1-naphthoyl)pyrrole by substitution
26 at the nitrogen atom of the pyrrole ring by alkyl, haloalkyl,
27 cyanoalkyl, hydroxyalkyl, alkenyl, cycloalkylmethyl,
28 cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl,
29 2-(4-morpholinyl)ethyl, or 1-(N-methyl-2-pyrrolidinyl)methyl,
30 1-(N-methyl-3-morpholinyl)methyl, or
31 (tetrahydropyran-4-yl)methyl group, whether or not further
32 substituted in the pyrrole ring to any extent and whether or not
33 substituted in the naphthyl ring to any extent, including, but not
34 limited to, JWH-030, JWH-031, JWH-145, JWH-146, JWH-147,
35 JWH-150, JWH-156, JWH-243, JWH-244, JWH-245, JWH-246,
36 JWH-292, JWH-293, JWH-307, JWH-308, JWH-309, JWH-346,
37 JWH-348, JWH-363, JWH-364, JWH-365, JWH-367, JWH-368,
38 JWH-369, JWH-370, JWH-371, JWH-373, JWH-392.

39 (8) Naphthylmethylindenes, which includes any compound
40 containing a naphthylideneindene structure or which is structurally

1 derived from 1-(1-naphthylmethyl)indene with substitution at the
2 3-position of the indene ring by alkyl, haloalkyl, cyanoalkyl,
3 hydroxyalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
4 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, or
5 1-(N-methyl-2-pyrrolidinyl)methyl,
6 1-(N-methyl-3-morpholinyl)methyl, or
7 (tetrahydropyran-4-yl)methyl group, whether or not further
8 substituted in the indene ring to any extent and whether or not
9 substituted in the naphthyl ring to any extent, including, but not
10 limited to, JWH-171, JWH-176, JWH-220.

11 (9) Naphthylmethylindoles, which includes any compound
12 structurally derived from an H-indol-3-yl-(1-naphthyl) methane
13 by substitution at the nitrogen atom of the indole ring by alkyl,
14 haloalkyl, cyanoalkyl, hydroxyalkyl, alkenyl, cycloalkylmethyl,
15 cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl,
16 2-(4-morpholinyl)ethyl, or 1-(N-methyl-2-pyrrolidinyl)methyl,
17 1-(N-methyl-3-morpholinyl)methyl, or
18 (tetrahydropyran-4-yl)methyl group, whether or not further
19 substituted in the indole ring to any extent and whether or not
20 substituted in the naphthyl ring to any extent, including, but not
21 limited to, JWH-175, JWH-184, JWH-185, JWH-192, JWH-194,
22 JWH-195, JWH-196, JWH-197, JWH-199.

23 (10) Phenylacetylindoles, which includes any compound
24 structurally derived from 3-phenylacetylindole by substitution at
25 the nitrogen atom of the indole ring with alkyl, haloalkyl,
26 cyanoalkyl, hydroxyalkyl, alkenyl, cycloalkylmethyl,
27 cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl,
28 2-(4-morpholinyl)ethyl, or 1-(N-methyl-2-pyrrolidinyl)methyl,
29 1-(N-methyl-3-morpholinyl)methyl, or
30 (tetrahydropyran-4-yl)methyl group, whether or not further
31 substituted in the indole ring to any extent and whether or not
32 substituted in the phenyl ring to any extent, including, but not
33 limited to, cannabipiperidiethanone, JWH-167, JWH-201,
34 JWH-202, JWH-203, JWH-204, JWH-205, JWH-206, JWH-207,
35 JWH-208, JWH-209, JWH-237, JWH-248, JWH-249, JWH-250,
36 JWH-251, JWH-253, JWH-302, JWH-303, JWH-304, JWH-305,
37 JWH-306, JWH-311, JWH-312, JWH-313, JWH-314, JWH-315,
38 JWH-316, RCS-8.

39 (11) Quinolinylindolecarboxylates, which includes any
40 compound structurally derived from

1 quinolin-8-yl-1H-indole-3-carboxylate by substitution at the
2 nitrogen atom of the indole ring with alkyl, haloalkyl, benzyl,
3 halobenzyl, alkenyl, haloalkenyl, alkoxy, cyanoalkyl, hydroxyalkyl,
4 cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin-2-yl)alkyl,
5 (4-tetrahydropyran)alkyl, or 2-(4-morpholinyl)alkyl, whether or
6 not further substituted in the indole ring to any extent, whether or
7 not substituted in the quinoline ring to any extent, including, but
8 not limited to, BB-22, 5-Fluoro-PB-22, PB-22.

9 (12) Tetramethylcyclopropanoylindoles, which includes any
10 compound structurally derived from
11 3-tetramethylcyclopropanoylindole,
12 3-(1-tetramethylcyclopropyl)indole,
13 3-(2,2,3,3-tetramethylcyclopropyl)indole or
14 3-(2,2,3,3-tetramethylcyclopropylcarbonyl)indole with substitution
15 at the nitrogen atom of the indole ring by an alkyl, haloalkyl,
16 cyanoalkyl, hydroxyalkyl, alkenyl, cycloalkylmethyl,
17 cycloalkylethyl, 1-(N-methyl-2-piperidiny)methyl,
18 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl,
19 1-(N-methyl-3-morpholinyl)methyl, or
20 (tetrahydropyran-4-yl)methyl group whether or not further
21 substituted in the indole ring to any extent and whether or not
22 substituted in the tetramethylcyclopropanoyl ring to any extent,
23 including, but not limited to, 5-bromo-UR-144, 5-chloro-UR-144,
24 5-fluoro-UR-144, A-796,260, A-834,735, AB-034, UR-144,
25 XLR11.

26 (13) Tetramethylcyclopropane-thiazole carboxamides, which
27 includes any compound structurally derived from
28 2,2,3,3-tetramethyl-N-(thiazol-2-ylidene)cyclopropanecarboxamide
29 by substitution at the nitrogen atom of the thiazole ring by alkyl,
30 haloalkyl, benzyl, halobenzyl, alkenyl, haloalkenyl, alkoxy,
31 cyanoalkyl, hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl,
32 (N-methylpiperidin-2-yl)alkyl, (4-tetrahydropyran)alkyl, or
33 2-(4-morpholinyl)alkyl, whether or not further substituted in the
34 thiazole ring to any extent, whether or not substituted in the
35 tetramethylcyclopropyl ring to any extent, including, but not limited
36 to, A-836,339.

37 (14) Unclassified synthetic cannabinoids, which includes all of
38 the following:

39 (A) AM-087, (6aR,10aR)-3-(2-methyl-6-bromohex-2-yl)-6,6,9-
40 trimethyl-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol.

- 1 (B) AM-356, methanandamide, including (5Z,8Z,11Z,14Z)-N-
2 [(1R)-2-hydroxy-1-methylethyl]icosa-5,8,11,14-tetraenamide and
3 arachidonyl-1'-hydroxy-2'-propylamide.
- 4 (C) AM-411, (6aR,10aR)-3-(1-adamantyl)-6,6,9-trimethyl-
5 6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol.
- 6 (D) AM-855, (4aR,12bR)-8-hexyl-2,5,5-trimethyl-
7 1,4,4a,8,9,10,11,12b-octahydronaphtho[3,2-c]isochromen-12-ol.
- 8 (E) AM-905, (6aR,9R,10aR)-3-[(E)-hept-1-enyl]-9-(hydrox-
9 ymethyl)-6,6-dimethyl-6a,7,8,9,10,10a-hexahydroben-
10 zo[c]chromen-1-ol.
- 11 (F) AM-906, (6aR,9R,10aR)-3-[(Z)-hept-1-enyl]-9-(hydrox-
12 ymethyl)-6,6-dimethyl-6a,7,8,9,10,10a-hexahydroben-
13 zo[c]chromen-1-ol.
- 14 (G) AM-2389, (6aR,9R,10aR)-3-(1-hexyl-cyclobut-1-yl)-
15 6a,7,8,9,10,10a-hexahydro-6,6-dimethyl-6H-dibenzo[b,d]pyran-
16 1,9 diol.
- 17 (H) BAY 38-7271, (-)-(R)-3-(2-Hydroxymethylindanyl-4-
18 oxy)phenyl-4,4,4-trifluorobutyl-1-sulfonate.
- 19 (I) CP 50,556-1, Levonantradol, including 9-hydroxy-6-methyl-
20 3-[5-phenylpentan-2-yl]oxy-5,6,6a,7,8,9,10,10a-octahydrophenan-
21 thridin-1-yl]acetate; [(6S,6aR,9R, 10aR)-9-hydroxy-6-methyl-3-
22 [(2R)-5-phenylpentan-2-yl]oxy-5,6,6a,7,8,9,10,10a-octahy-
23 drophenanthridin-1-yl]acetate; and [9-hydroxy-6-methyl-3-[5-
24 phenylpentan-2-yl]oxy-5,6,6a,7,8,9,10,10a-octahydrophenan-
25 thridin-1-yl]acetate.
- 26 (J) HU-210, including (6aR,10aR)-9-(hydroxymethyl)-6,6-
27 dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]
28 chromen-1-ol; [(6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-
29 (2-methyl octan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-
30 ol and 1,1-Dimethylheptyl-11-hydroxytetrahydrocannabinol.
- 31 (K) HU-211, Dexanabinol, including (6aS, 10aS)-9-(hydrox-
32 ymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-
33 tetrahydrobenzo[c]chromen-1-ol and (6aS, 10aS)-9-(hydrox-
34 ymethyl)-6,6-dimethyl- 3-(2-methyloctan-2-yl)-6a,7,10,10a-
35 tetrahydrobenzo[c]chromen-1-ol.
- 36 (L) HU-243, 3-dimethylheptyl-11-hydroxyhexahydrocannabinol.
- 37 (M) HU-308, [(91R,2R,5R)-2-[2,6-dimethoxy-4-(2-methyloctan-
38 2-yl)phenyl]-7,7-dimethyl-4-bicyclo[3.1.1]hept-3-enyl]methanol.

- 1 (N) HU-331, 3-hydroxy-2-[(1R,6R)-3-methyl-6-(1-
2 methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-2,5-cyclohexadiene-
3 1,4-dione.
- 4 (O) HU-336, (6aR,10aR)-6,6,9-trimethyl-3-pentyl-6a,7,10,10a-
5 tetrahydro-1H-benzo[c]chromene-1,4(6H)-dione.
- 6 (P) JTE-907, N-(benzol[1,3]dioxol-5-ylmethyl)-7-methoxy-2-
7 oxo-8-pentyloxy-1,2-dihydroquinoline-3-carboxamide.
- 8 (Q) JWH-051, ((6aR,10aR)-6,6-dimethyl-3-(2-methyloctan-2-
9 yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-9-yl)methanol.
- 10 (R) JWH-057 (6aR,10aR)-3-(1,1-dimethylheptyl)-6a,7,10,10a-
11 tetrahydro-6,6,9-trimethyl-6H-Dibenzo[b,d]pyran.
- 12 (S) JWH-133 (6aR,10aR)-3-(1,1-Dimethylbutyl)-6a,7,10,10a-
13 tetrahydro -6,6,9-trimethyl-6H-dibenzo[b,d]pyran.
- 14 (T) JWH-359, (6aR,10aR)- 1-methoxy- 6,6,9-trimethyl- 3-[(2R)-
15 1,1,2-trimethylbutyl]- 6a,7,10,10a-tetrahydrobenzo[c]chromene.
- 16 (U) URB-597 [3-(3-carbamoylphenyl)phenyl]-N-cyclohexylcar-
17 bamate.
- 18 (V) URB-602 [1,1'-Biphenyl]-3-yl-carbamic acid, cyclohexyl
19 ester; OR cyclohexyl [1,1'-biphenyl]-3-ylcarbamate.
- 20 (W) URB-754 6-methyl-2-[(4-methylphenyl)amino]-4H-3,1-
21 benzoxazin-4-one.
- 22 (X) URB-937 3'-carbamoyl-6-hydroxy-[1,1'-biphenyl]-3-yl cy-
23 clohexylcarbamate.
- 24 (Y) WIN 55,212-2, including (R)-(+)-[2,3-dihydro-5-methyl-
25 3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-
26 1-naphthalenylmethanone and [2,3-Dihydro-5-methyl-3-(4-mor-
27 pholinylmethyl)pyrrolo[(1,2,3-de)-1,4-benzoxazin-6-yl]-1-
28 naphthalenylmethanone.
- 29 *SEC. 3. Section 11375.5 of the Health and Safety Code, as*
30 *amended by Section 3 of Chapter 372 of the Statutes of 2014, is*
31 *repealed.*
- 32 ~~11375.5. (a) Every person who sells, dispenses, distributes,~~
33 ~~furnishes, administers, or gives, or offers to sell, dispense,~~
34 ~~distribute, furnish, administer, or give, any synthetic stimulant~~
35 ~~compound specified in subdivision (b), or any synthetic stimulant~~
36 ~~derivative, to any person, or who possesses that compound or~~
37 ~~derivative for sale, is guilty of a misdemeanor, punishable by~~
38 ~~imprisonment in a county jail not exceeding six months, or by a~~
39 ~~fine not exceeding one thousand dollars (\$1,000), or by both that~~
40 ~~fine and imprisonment.~~

1 ~~(b) Unless specifically excepted, or contained within a~~
2 ~~pharmaceutical product approved by the United States Food and~~
3 ~~Drug Administration, or unless listed in another schedule,~~
4 ~~subdivision (a) applies to any material, compound, mixture, or~~
5 ~~preparation which contains any quantity of the following substances~~
6 ~~having a stimulant effect on the central nervous system, including~~
7 ~~its salts, isomers, esters, or ethers, and salts of isomers, esters, or~~
8 ~~ethers whenever the existence of such salts, isomers, esters, or~~
9 ~~ethers, and salts of isomers, esters, or ethers is possible within any~~
10 ~~of the following specific chemical designations:~~

11 ~~(1) Naphthylpyrovalerone whether or not further substituted in~~
12 ~~the naphthyl ring to any extent with alkyl, alkoxy, alkylendioxy,~~
13 ~~haloalkyl, or halide substituents, whether or not further substituted~~
14 ~~in the naphthyl ring by one or more other univalent substituents,~~
15 ~~or whether or not further substituted in the carbon chain at the 3-,~~
16 ~~4-, or 5-position with an alkyl substituent.~~

17 ~~(2) 2-amino-1-phenyl-1-propanone (cathinone) or variation in~~
18 ~~any of the following ways:~~

19 ~~(A) By substitution in the phenyl ring to any extent with alkyl,~~
20 ~~alkoxy, alkylendioxy, haloalkyl, or halide substituents, whether~~
21 ~~or not further substituted in the phenyl ring by one or more other~~
22 ~~univalent substituents.~~

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

24 ~~(C) By substitution at the nitrogen atom with alkyl, dialkyl, or~~
25 ~~benzyl groups, or by inclusion of the nitrogen atom in a cyclic~~
26 ~~structure.~~

27 ~~(e) This section shall not prohibit prosecution under any other~~
28 ~~provision of law.~~

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

32 ~~SEC. 2.~~

33 ~~SEC. 4.~~ Section 11375.5 of the Health and Safety Code, as
34 added by Section 4 of Chapter 372 of the Statutes of 2014, is
35 amended to read:

36 11375.5. (a) Every person who sells, dispenses, distributes,
37 furnishes, administers, or gives, or offers to sell, dispense,
38 distribute, furnish, administer, or give, any synthetic stimulant
39 compound specified in subdivision (c), or any synthetic stimulant
40 derivative, to any person, or who possesses that compound or

1 derivative for sale, is guilty of a misdemeanor, punishable by
2 imprisonment in a county jail not to exceed six months, or by a
3 fine not to exceed one thousand dollars (\$1,000), or by both that
4 fine and imprisonment.

5 (b) Every person who uses or possesses any synthetic stimulant
6 compound specified in subdivision (c), or any synthetic stimulant
7 derivative, is guilty of ~~a public offense punishable as follows: an~~
8 *infraction, punishable by a fine not to exceed two hundred fifty*
9 *dollars (\$250).*

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

12 ~~(2) A second offense is an infraction punishable by a fine not~~
13 ~~exceeding two hundred fifty dollars (\$250) or a misdemeanor~~
14 ~~punishable by imprisonment in a county jail not exceeding six~~
15 ~~months, a fine not exceeding five hundred dollars (\$500), or by~~
16 ~~both that fine and imprisonment.~~

17 ~~(3) A third or subsequent offense is a misdemeanor punishable~~
18 ~~by imprisonment in a county jail not exceeding six months, or by~~
19 ~~a fine not exceeding one thousand dollars (\$1,000), or by both that~~
20 ~~fine and imprisonment.~~

21 (c) Unless specifically excepted, or contained within a
22 pharmaceutical product approved by the United States Food and
23 Drug Administration, or unless listed in another schedule,
24 subdivisions (a) and (b) apply to any material, compound, mixture,
25 or preparation which contains any quantity of a substance,
26 including its salts, isomers, esters, or ethers, and salts of isomers,
27 esters, or ethers whenever the existence of such salts, isomers,
28 esters, or ethers, and salts of isomers, esters, or ethers is possible,
29 that is structurally derived from 2-amino-1-phenyl-1-propanone
30 by modification in one of the following ways:

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

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

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

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

1 ~~SEC. 3.~~

2 ~~SEC. 5.~~ No reimbursement is required by this act pursuant to
3 Section 6 of Article XIII B of the California Constitution because
4 the only costs that may be incurred by a local agency or school
5 district will be incurred because this act creates a new crime or
6 infraction, eliminates a crime or infraction, or changes the penalty
7 for a crime or infraction, within the meaning of Section 17556 of
8 the Government Code, or changes the definition of a crime within
9 the meaning of Section 6 of Article XIII B of the California
10 Constitution.

11 ~~SEC. 4.~~

12 ~~SEC. 6.~~ This act is an urgency statute necessary for the
13 immediate preservation of the public peace, health, or safety within
14 the meaning of Article IV of the Constitution and shall go into
15 immediate effect. The facts constituting the necessity are:

16 In order to prevent any harm that may be caused by the controlled
17 substances described in this act at the earliest possible time, it is
18 necessary that this act take effect immediately.