

ASSEMBLY BILL

No. 748

Introduced by Assembly Member Gilmore

February 26, 2009

An act to amend Section 11055 of the Health and Safety Code, relating to controlled substances.

LEGISLATIVE COUNSEL'S DIGEST

AB 748, as introduced, Gilmore. Controlled substances: 3,4-Methylenedioxymethamphetamine.

Existing law classifies controlled substances into 5 schedules and places the greatest restrictions and penalties on the use of those substances placed in Schedule I, including prohibiting the prescribing of any Schedule I controlled substance and permitting the prescription of any Schedule II controlled substance only pursuant to a written prescription containing certain information, as specified. The drug 3,4-Methylenedioxymethamphetamine, also known as MDMA, Ecstasy, XTC, E, X, Beans, or Adams, is a synthetic drug possessing stimulant and hallucinogenic properties that is not classified within any of the schedules under the state controlled substances law, but is classified as a Schedule I drug under the federal controlled substances law.

This bill would classify the drug 3,4-Methylenedioxymethamphetamine within Schedule II of the state controlled substances law. By expanding the scope of existing Schedule II crimes to also apply to this drug, 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 11055 of the Health and Safety Code is
2 amended to read:

3 11055. (a) The controlled substances listed in this section are
4 included in Schedule II.

5 (b) Any of the following substances, except those narcotic drugs
6 listed in other schedules, whether produced directly or indirectly
7 by extraction from substances of vegetable origin, or independently
8 by means of chemical synthesis, or by combination of extraction
9 and chemical synthesis:

10 (1) Opium, opiate, and any salt, compound, derivative, or
11 preparation of opium or opiate, with the exception of naloxone
12 hydrochloride (N-allyl-14-hydroxy-nordihydromorphinone
13 hydrochloride), but including the following:

14 (A) Raw opium.

15 (B) Opium extracts.

16 (C) Opium fluid extracts.

17 (D) Powdered opium.

18 (E) Granulated opium.

19 (F) Tincture of opium.

20 (G) Apomorphine.

21 (H) Codeine.

22 (I) Ethylmorphine.

23 (J) Hydrocodone.

24 (K) Hydromorphone.

25 (L) Metopon.

26 (M) Morphine.

27 (N) Oxycodone.

28 (O) Oxymorphone.

29 (P) Thebaine.

30 (2) Any salt, compound, isomer, or derivative, whether natural
31 or synthetic, of the substances referred to in paragraph (1), but not
32 including the isoquinoline alkaloids of opium.

33 (3) Opium poppy and poppy straw.

(4) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, but not including decocainized coca leaves or extractions which do not contain cocaine or ecgonine.

(5) Concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid, or powder form which contains the phenanthrene alkaloids of the opium poppy).

(6) Cocaine, except as specified in Section 11054.

(7) Ecgonine, whether natural or synthetic, or any salt, isomer, derivative, or preparation thereof.

(c) Opiates. Unless specifically excepted or unless in another schedule, any of the following opiates, including its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers whenever the existence of those isomers, esters, ethers, and salts is possible within the specific chemical designation, dextrorphan and levopropoxyphene excepted:

(1) Alfentanyl.

(2) Alphaprodine.

(3) Anileridine.

(4) Bezitramide.

(5) Bulk dextropropoxyphene (nondosage forms).

(6) Dihydrocodeine.

(7) Diphenoxylate.

(8) Fentanyl.

(9) Isomethadone.

(10) Levoalphacetylmethadol, also known as levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM. This substance is authorized for the treatment of narcotic addicts under federal law (see Part 291 (commencing with Section 291.501) and Part 1308 (commencing with Section 1308.01) of Title 21 of the Code of Federal Regulations).

(11) Levomethorphan.

(12) Levorphanol.

(13) Metazocine.

(14) Methadone.

(15) Methadone-Intermediate, 4-cyano-2-dimethylamino-4,4-diphenyl butane.

(16) Moramide-Intermediate, 2-methyl-3-morpholino-1,1-diphenylpropane-carboxylic acid.

(17) Pethidine (meperidine).

- 1 (1 8) P e t h i d i n e - I n t e r m e d i a t e - A ,
2 4-cyano-1-methyl-4-phenylpiperidine.
3 (1 9) P e t h i d i n e - I n t e r m e d i a t e - B ,
4 ethyl-4-phenylpiperidine-4-carboxylate.
5 (2 0) P e t h i d i n e - I n t e r m e d i a t e - C ,
6 1-methyl-4-phenylpiperidine-4-carboxylic acid.
7 (21) Phenazocine.
8 (22) Piminodine.
9 (23) Racemethorphan.
10 (24) Racemorphan.
11 (25) Sufentanyl.
12 (d) Stimulants. Unless specifically excepted or unless listed in
13 another schedule, any material, compound, mixture, or preparation
14 which contains any quantity of the following substances having a
15 stimulant effect on the central nervous system:
16 (1) Amphetamine, its salts, optical isomers, and salts of its
17 optical isomers.
18 (2) Methamphetamine, its salts, isomers, and salts of its isomers.
19 (3) Dimethylamphetamine (N,N-dimethylamphetamine), its
20 salts, isomers, and salts of its isomers.
21 (4) N-Ethylmethamphetamine (N-ethyl, N-methylamphetamine),
22 its salts, isomers, and salts of its isomers.
23 (5) Phenmetrazine and its salts.
24 (6) Methylphenidate.
25 (7) Khat, which includes all parts of the plant classified
26 botanically as *Catha Edulis*, whether growing or not, the seeds
27 thereof, any extract from any part of the plant, and every
28 compound, manufacture, salt, derivative, mixture, or preparation
29 of the plant, its seeds, or extracts.
30 (8) Cathinone (also known as alpha-aminopropiophenone,
31 2-aminopropiophenone, and norephedrone).
32 (9) *3,4-Methylenedioxymethamphetamine*.
33 (e) Depressants. Unless specifically excepted or unless listed
34 in another schedule, any material, compound, mixture, or
35 preparation which contains any quantity of the following substances
36 having a depressant effect on the central nervous system, including
37 its salts, isomers, and salts of isomers whenever the existence of
38 those salts, isomers, and salts of isomers is possible within the
39 specific chemical designation:
40 (1) Amobarbital.

1 (2) Pentobarbital.

2 (3) Phencyclidines, including the following:

3 (A) 1-(1-phenylcyclohexyl) piperidine (PCP).

4 (B) 1-(1-phenylcyclohexyl) morpholine (PCM).

5 (C) Any analog of phencyclidine which is added by the Attorney
6 General by regulation pursuant to this paragraph.

7 The Attorney General, or his or her designee, may, by rule or
8 regulation, add additional analogs of phencyclidine to those
9 enumerated in this paragraph after notice, posting, and hearing
10 pursuant to Chapter 3.5 (commencing with Section 11340) of Part
11 1 of Division 3 of Title 2 of the Government Code. The Attorney
12 General shall, in the calendar year of the regular session of the
13 Legislature in which the rule or regulation is adopted, submit a
14 draft of a proposed bill to each house of the Legislature which
15 would incorporate the analogs into this code. No rule or regulation
16 shall remain in effect beyond January 1 after the calendar year of
17 the regular session in which the draft of the proposed bill is
18 submitted to each house. However, if the draft of the proposed bill
19 is submitted during a recess of the Legislature exceeding 45
20 calendar days, the rule or regulation shall be effective until January
21 1 after the next calendar year.

22 (4) Secobarbital.

23 (5) Glutethimide.

24 (f) Immediate precursors. Unless specifically excepted or unless
25 listed in another schedule, any material, compound, mixture, or
26 preparation which contains any quantity of the following
27 substances:

28 (1) Immediate precursor to amphetamine and methamphetamine:

29 (A) Phenylacetone. Some trade or other names: phenyl-2
30 propanone; P2P; benzyl methyl ketone; methyl benzyl ketone.

31 (2) Immediate precursors to phencyclidine (PCP):

32 (A) 1-phenylcyclohexylamine.

33 (B) 1-piperidinocyclohexane carbonitrile (PCC).

34 SEC. 2. No reimbursement is required by this act pursuant to
35 Section 6 of Article XIII B of the California Constitution because
36 the only costs that may be incurred by a local agency or school
37 district will be incurred because this act creates a new crime or
38 infraction, eliminates a crime or infraction, or changes the penalty
39 for a crime or infraction, within the meaning of Section 17556 of
40 the Government Code, or changes the definition of a crime within

- 1 the meaning of Section 6 of Article XIII B of the California
- 2 Constitution.

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