

AMENDED IN ASSEMBLY APRIL 19, 2012

AMENDED IN ASSEMBLY MARCH 28, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2420

Introduced by Assembly Member Hueso
(Coauthor: Assembly Member Fletcher)
(Coauthor: Senator Vargas)

February 24, 2012

An act to amend Section 48900 of the Education Code, and to amend Sections 11357.5 and 11375.5 of the Health and Safety Code, relating to controlled substances.

LEGISLATIVE COUNSEL’S DIGEST

AB 2420, as amended, Hueso. Controlled substances: synthetic cannabinoids and synthetic stimulants.

Existing law provides that every person who sells, dispenses, distributes, furnishes, administers, or gives, or offers to sell, dispense, distribute, furnish, administer, or give, or possesses for sale any synthetic cannabinoid compound, or any synthetic cannabinoid derivative, to any person, is guilty of a misdemeanor punishable by imprisonment in a county jail not exceeding 6 months, or by a fine not exceeding \$1,000, or by both that fine and imprisonment. Existing law defines a synthetic cannabinoid compound for purposes of this provision.

Existing law also provides that every person who sells, dispenses, distributes, furnishes, administers, or gives, or offers to sell, dispense, distribute, furnish, administer, or give, any synthetic stimulant compound, as specified, or any synthetic stimulant derivative, to any person, or who possesses that compound or derivative for sale, is guilty

of a misdemeanor punishable by imprisonment in a county jail not exceeding 6 months, or by a fine not exceeding \$1,000, or by both that fine and imprisonment.

This bill would provide that, *except as otherwise authorized by law*, every person who possesses, under circumstances that do not include possession for sale as proscribed pursuant to existing law, 28.5 grams or less of any synthetic cannabinoid is guilty of an infraction punishable by a fine of not more than \$100. The bill would provide that, *except as otherwise authorized by law*, every person who possesses, under circumstances that do not include possession for sale as proscribed pursuant to existing law, 28.5 grams or less of any synthetic stimulant compound, as specified, or any synthetic stimulant derivative, shall be punished by imprisonment in a county jail for a period of not more than one month, or by a fine not exceeding \$500, or by both that fine and imprisonment. In addition, the bill would also provide that, *except as otherwise authorized by law*, every person who possesses, under circumstances that do not include possession for sale as proscribed pursuant to existing law, more than 28.5 grams of any synthetic cannabinoid, any synthetic stimulant compound, as specified, or any synthetic stimulant derivative, shall be punished by imprisonment in a county jail for a period of not more than 6 months, or by a fine not exceeding \$1,000, or by both that fine and imprisonment. *The bill would provide that a synthetic cannabinoid or synthetic stimulant may be obtained and used for bona fide research, instruction, or analysis if that possession and use does not violate federal law.*

The bill would also expand the definition of synthetic cannabinoids for purposes of the prohibitions described above to mean synthetic cannabinoid agonists that include, among other compounds, naphthoylindoles, naphthylmethylinroles, naphthoylpyrroles, naphthylmethylinroles, phenylacetylindoles, cyclohexylphenols, benzoylindoles, and adamantoylindoles.

Because the bill would create new crimes, the bill would impose a state-mandated local program.

Existing law authorizes the suspension or expulsion of a pupil from school if the superintendent or the principal of the school determines that the pupil has unlawfully possessed, used, sold, furnished, or was under the influence of a controlled substance, an alcoholic beverage, or an intoxicant of any kind.

This bill would expand those provisions to include synthetic cannabinoid compounds and synthetic stimulant compounds.

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 48900 of the Education Code is amended~~
2 ~~to read:~~
3 ~~48900. A pupil shall not be suspended from school or~~
4 ~~recommended for expulsion, unless the superintendent or the~~
5 ~~principal of the school in which the pupil is enrolled determines~~
6 ~~that the pupil has committed an act as defined pursuant to any of~~
7 ~~subdivisions (a) to (r), inclusive:~~
8 ~~(a) (1) Caused, attempted to cause, or threatened to cause~~
9 ~~physical injury to another person.~~
10 ~~(2) Willfully used force or violence upon the person of another,~~
11 ~~except in self-defense.~~
12 ~~(b) Possessed, sold, or otherwise furnished a firearm, knife,~~
13 ~~explosive, or other dangerous object, unless, in the case of~~
14 ~~possession of an object of this type, the pupil had obtained written~~
15 ~~permission to possess the item from a certificated school employee,~~
16 ~~which is concurred in by the principal or the designee of the~~
17 ~~principal.~~
18 ~~(c) Unlawfully possessed, used, sold, or otherwise furnished,~~
19 ~~or been under the influence of, a controlled substance listed in~~
20 ~~Chapter 2 (commencing with Section 11053) of Division 10 of the~~
21 ~~Health and Safety Code, a synthetic cannabinoid compound or a~~
22 ~~synthetic stimulant compound, as those terms are defined in~~
23 ~~Sections 11357.5 and 11375.5 of the Health and Safety Code, an~~
24 ~~alcoholic beverage, or an intoxicant of any kind.~~
25 ~~(d) Unlawfully offered, arranged, or negotiated to sell a~~
26 ~~controlled substance listed in Chapter 2 (commencing with Section~~
27 ~~11053) of Division 10 of the Health and Safety Code, a synthetic~~
28 ~~cannabinoid compound or a synthetic stimulant compound, as~~
29 ~~those terms are defined in Sections 11357.5 and 11375.5 of the~~
30 ~~Health and Safety Code, an alcoholic beverage, or an intoxicant~~

1 of any kind, and either sold, delivered, or otherwise furnished to
2 a person another liquid, substance, or material and represented the
3 liquid, substance, or material as a controlled substance, alcoholic
4 beverage, or intoxicant.

5 (e) Committed or attempted to commit robbery or extortion.

6 (f) Caused or attempted to cause damage to school property or
7 private property.

8 (g) Stolen or attempted to steal school property or private
9 property.

10 (h) Possessed or used tobacco, or products containing tobacco
11 or nicotine products, including, but not limited to, cigarettes, cigars,
12 miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew
13 packets, and betel. However, this section does not prohibit use or
14 possession by a pupil of his or her own prescription products.

15 (i) Committed an obscene act or engaged in habitual profanity
16 or vulgarity.

17 (j) Unlawfully possessed or unlawfully offered, arranged, or
18 negotiated to sell drug paraphernalia, as defined in Section 11014.5
19 of the Health and Safety Code.

20 (k) Disrupted school activities or otherwise willfully defied the
21 valid authority of supervisors, teachers, administrators, school
22 officials, or other school personnel engaged in the performance of
23 their duties.

24 (l) Knowingly received stolen school property or private
25 property.

26 (m) Possessed an imitation firearm. As used in this section,
27 “imitation firearm” means a replica of a firearm that is so
28 substantially similar in physical properties to an existing firearm
29 as to lead a reasonable person to conclude that the replica is a
30 firearm.

31 (n) Committed or attempted to commit a sexual assault as
32 defined in Section 261, 266c, 286, 288, 288a, or 289 of the Penal
33 Code or committed a sexual battery as defined in Section 243.4
34 of the Penal Code.

35 (o) Harassed, threatened, or intimidated a pupil who is a
36 complaining witness or a witness in a school disciplinary
37 proceeding for the purpose of either preventing that pupil from
38 being a witness or retaliating against that pupil for being a witness,
39 or both.

1 ~~(p) Unlawfully offered, arranged to sell, negotiated to sell, or~~
2 ~~sold the prescription drug Soma.~~

3 ~~(q) Engaged in, or attempted to engage in, hazing. For purposes~~
4 ~~of this subdivision, “hazing” means a method of initiation or~~
5 ~~preinitiation into a pupil organization or body, whether or not the~~
6 ~~organization or body is officially recognized by an educational~~
7 ~~institution, which is likely to cause serious bodily injury or personal~~
8 ~~degradation or disgrace resulting in physical or mental harm to a~~
9 ~~former, current, or prospective pupil. For purposes of this~~
10 ~~subdivision, “hazing” does not include athletic events or~~
11 ~~school-sanctioned events.~~

12 ~~(r) Engaged in an act of bullying. For purposes of this~~
13 ~~subdivision, the following terms have the following meanings:~~

14 ~~(1) “Bullying” means any severe or pervasive physical or verbal~~
15 ~~act or conduct, including communications made in writing or by~~
16 ~~means of an electronic act, and including one or more acts~~
17 ~~committed by a pupil or group of pupils as defined in Section~~
18 ~~48900.2, 48900.3, or 48900.4, directed toward one or more pupils~~
19 ~~that has or can be reasonably predicted to have the effect of one~~
20 ~~or more of the following:~~

21 ~~(A) Placing a reasonable pupil or pupils in fear of harm to that~~
22 ~~pupil’s or those pupils’ person or property.~~

23 ~~(B) Causing a reasonable pupil to experience a substantially~~
24 ~~detrimental effect on his or her physical or mental health.~~

25 ~~(C) Causing a reasonable pupil to experience substantial~~
26 ~~interference with his or her academic performance.~~

27 ~~(D) Causing a reasonable pupil to experience substantial~~
28 ~~interference with his or her ability to participate in or benefit from~~
29 ~~the services, activities, or privileges provided by a school.~~

30 ~~(2) “Electronic act” means the transmission of a communication,~~
31 ~~including, but not limited to, a message, text, sound, or image, or~~
32 ~~a post on a social network Internet Web site, by means of an~~
33 ~~electronic device, including, but not limited to, a telephone,~~
34 ~~wireless telephone or other wireless communication device,~~
35 ~~computer, or pager.~~

36 ~~(3) “Reasonable pupil” means a pupil, including, but not limited~~
37 ~~to, an exceptional needs pupil, who exercises average care, skill,~~
38 ~~and judgment in conduct for a person of his or her age, or for a~~
39 ~~person of his or her age with his or her exceptional needs.~~

~~(s) A pupil shall not be suspended or expelled for any of the acts enumerated in this section, unless that act is related to school activity or school attendance occurring within a school under the jurisdiction of the superintendent of the school district or principal or occurring within any other school district. A pupil may be suspended or expelled for acts that are enumerated in this section and related to school activity or attendance that occur at any time, including, but not limited to, any of the following:~~

- ~~(1) While on school grounds.~~
- ~~(2) While going to or coming from school.~~
- ~~(3) During the lunch period whether on or off the campus.~~
- ~~(4) During, or while going to or coming from, a school-sponsored activity.~~

~~(t) A pupil who aids or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion, pursuant to this section, except that a pupil who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (a).~~

~~(u) As used in this section, "school property" includes, but is not limited to, electronic files and databases.~~

~~(v) A superintendent of the school district or principal may use his or her discretion to provide alternatives to suspension or expulsion, including, but not limited to, counseling and an anger management program, for a pupil subject to discipline under this section.~~

~~(w) It is the intent of the Legislature that alternatives to suspension or expulsion be imposed against a pupil who is truant, tardy, or otherwise absent from school activities.~~

SECTION 1. Section 48900 of the Education Code, as amended by Section 6 of Chapter 732 of the Statutes of 2011, is amended to read:

48900. A pupil shall not be suspended from school or recommended for expulsion, unless the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has committed an act as defined pursuant to any of subdivisions (a) to (r), inclusive:

1 (a) (1) Caused, attempted to cause, or threatened to cause
2 physical injury to another person.

3 (2) Willfully used force or violence upon the person of another,
4 except in self-defense.

5 (b) Possessed, sold, or otherwise furnished a firearm, knife,
6 explosive, or other dangerous object, unless, in the case of
7 possession of an object of this type, the pupil had obtained written
8 permission to possess the item from a certificated school employee,
9 which is concurred in by the principal or the designee of the
10 principal.

11 (c) Unlawfully possessed, used, sold, or otherwise furnished,
12 or been under the influence of, a controlled substance listed in
13 Chapter 2 (commencing with Section 11053) of Division 10 of the
14 Health and Safety Code, *a synthetic cannabinoid compound or a*
15 *synthetic stimulant compound, as those terms are defined in*
16 *Sections 11357.5 and 11375.5 of the Health and Safety Code*, an
17 alcoholic beverage, or an intoxicant of any kind.

18 (d) Unlawfully offered, arranged, or negotiated to sell a
19 controlled substance listed in Chapter 2 (commencing with Section
20 11053) of Division 10 of the Health and Safety Code, *a synthetic*
21 *cannabinoid compound or a synthetic stimulant compound, as*
22 *those terms are defined in Sections 11357.5 and 11375.5 of the*
23 *Health and Safety Code*, an alcoholic beverage, or an intoxicant
24 of any kind, and either sold, delivered, or otherwise furnished to
25 a person another liquid, substance, or material and represented the
26 liquid, substance, or material as a controlled substance, alcoholic
27 beverage, or intoxicant.

28 (e) Committed or attempted to commit robbery or extortion.

29 (f) Caused or attempted to cause damage to school property or
30 private property.

31 (g) Stolen or attempted to steal school property or private
32 property.

33 (h) Possessed or used tobacco, or products containing tobacco
34 or nicotine products, including, but not limited to, cigarettes, cigars,
35 miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew
36 packets, and betel. However, this section does not prohibit use or
37 possession by a pupil of his or her own prescription products.

38 (i) Committed an obscene act or engaged in habitual profanity
39 or vulgarity.

1 (j) Unlawfully possessed or unlawfully offered, arranged, or
2 negotiated to sell drug paraphernalia, as defined in Section 11014.5
3 of the Health and Safety Code.

4 (k) Disrupted school activities or otherwise willfully defied the
5 valid authority of supervisors, teachers, administrators, school
6 officials, or other school personnel engaged in the performance of
7 their duties.

8 (l) Knowingly received stolen school property or private
9 property.

10 (m) Possessed an imitation firearm. As used in this section,
11 “imitation firearm” means a replica of a firearm that is so
12 substantially similar in physical properties to an existing firearm
13 as to lead a reasonable person to conclude that the replica is a
14 firearm.

15 (n) Committed or attempted to commit a sexual assault as
16 defined in Section 261, 266c, 286, 288, 288a, or 289 of the Penal
17 Code or committed a sexual battery as defined in Section 243.4
18 of the Penal Code.

19 (o) Harassed, threatened, or intimidated a pupil who is a
20 complaining witness or a witness in a school disciplinary
21 proceeding for the purpose of either preventing that pupil from
22 being a witness or retaliating against that pupil for being a witness,
23 or both.

24 (p) Unlawfully offered, arranged to sell, negotiated to sell, or
25 sold the prescription drug Soma.

26 (q) Engaged in, or attempted to engage in, hazing. For purposes
27 of this subdivision, “hazing” means a method of initiation or
28 preinitiation into a pupil organization or body, whether or not the
29 organization or body is officially recognized by an educational
30 institution, which is likely to cause serious bodily injury or personal
31 degradation or disgrace resulting in physical or mental harm to a
32 former, current, or prospective pupil. For purposes of this
33 subdivision, “hazing” does not include athletic events or
34 school-sanctioned events.

35 (r) Engaged in an act of bullying. For purposes of this
36 subdivision, the following terms have the following meanings:

37 (1) “Bullying” means any severe or pervasive physical or verbal
38 act or conduct, including communications made in writing or by
39 means of an electronic act, and including one or more acts
40 committed by a pupil or group of pupils as defined in Section

1 48900.2, 48900.3, or 48900.4, directed toward one or more pupils
2 that has or can be reasonably predicted to have the effect of one
3 or more of the following:

4 (A) Placing a reasonable pupil or pupils in fear of harm to that
5 pupil's or those pupils' person or property.

6 (B) Causing a reasonable pupil to experience a substantially
7 detrimental effect on his or her physical or mental health.

8 (C) Causing a reasonable pupil to experience substantial
9 interference with his or her academic performance.

10 (D) Causing a reasonable pupil to experience substantial
11 interference with his or her ability to participate in or benefit from
12 the services, activities, or privileges provided by a school.

13 (2) "Electronic act" means the transmission of a communication,
14 including, but not limited to, a message, text, sound, or image, or
15 a post on a social network Internet Web site, by means of an
16 electronic device, including, but not limited to, a telephone,
17 wireless telephone or other wireless communication device,
18 computer, or pager.

19 (3) "Reasonable pupil" means a pupil, including, but not limited
20 to, an exceptional needs pupil, who exercises average care, skill,
21 and judgment in conduct for a person of his or her age, or for a
22 person of his or her age with his or her exceptional needs.

23 (s) A pupil shall not be suspended or expelled for any of the
24 acts enumerated in this section, unless that act is related to school
25 activity or school attendance occurring within a school under the
26 jurisdiction of the superintendent of the school district or principal
27 or occurring within any other school district. A pupil may be
28 suspended or expelled for acts that are enumerated in this section
29 and related to school activity or attendance that occur at any time,
30 including, but not limited to, any of the following:

31 (1) While on school grounds.

32 (2) While going to or coming from school.

33 (3) During the lunch period whether on or off the campus.

34 (4) During, or while going to or coming from, a
35 school-sponsored activity.

36 (t) A pupil who aids or abets, as defined in Section 31 of the
37 Penal Code, the infliction or attempted infliction of physical injury
38 to another person may be subject to suspension, but not expulsion,
39 pursuant to this section, except that a pupil who has been adjudged
40 by a juvenile court to have committed, as an aider and abettor, a

1 crime of physical violence in which the victim suffered great bodily
2 injury or serious bodily injury shall be subject to discipline pursuant
3 to subdivision (a).

4 (u) As used in this section, “school property” includes, but is
5 not limited to, electronic files and databases.

6 (v) A superintendent of the school district or principal may use
7 his or her discretion to provide alternatives to suspension or
8 expulsion, including, but not limited to, counseling and an anger
9 management program, for a pupil subject to discipline under this
10 section.

11 (w) It is the intent of the Legislature that alternatives to
12 suspension or expulsion be imposed against a pupil who is truant,
13 tardy, or otherwise absent from school activities.

14 SEC. 2. Section 11357.5 of the Health and Safety Code is
15 amended to read:

16 11357.5. (a) ~~Every~~ *Except as otherwise authorized by law,*
17 *every* person who sells, dispenses, distributes, furnishes,
18 administers, or gives, or offers to sell, dispense, distribute, furnish,
19 administer, or give, or possesses for sale any synthetic cannabinoid
20 compound, or any synthetic cannabinoid derivative, to any person,
21 is guilty of a misdemeanor punishable by imprisonment in a county
22 jail not exceeding six months, or by a fine not exceeding one
23 thousand dollars (\$1,000), or by both that fine and imprisonment.

24 (b) As used in this section, the term “synthetic cannabinoid
25 compound” refers to synthetic cannabinoid agonists, including,
26 but not limited to, any of the following substances:

27 (1) 1-pentyl-3-(1-naphthoyl)indole (JWH-018).

28 (2) 1-butyl-3-(1-naphthoyl)indole (JWH-073).

29 (3) 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole
30 (JWH-200).

31 (4) 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol
32 (CP-47,497).

33 (5) 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol
34 (cannabicyclohexanol; CP-47, 497 C8 homologue).

35 (6) Synthetic equivalents of the psychoactive substances
36 contained in marijuana, or concentrated cannabis, as defined in
37 Sections 11018 and 11006.5, respectively, and synthetic substances,
38 derivatives, and their isomers with similar chemical structure and
39 pharmacological activity, such as the following: delta 1 cis- or
40 trans-tetrahydrocannabinol, and their optical isomers; delta 6 cis-

or trans-tetrahydrocannabinol, and their optical isomers; and delta 3, 4 cis- or trans-tetrahydrocannabinol, and their optical isomers.

(7) Naphthoylindoles: any compound containing a 3-(1-naphthoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent.

(8) Naphthylmethylinindoles: any compound containing a 1H-indol-3-yl-(1-naphthyl)methane structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent.

(9) Naphthoylpyrroles: any compound containing a 3-(1-naphthoyl)pyrrole structure with substitution at the nitrogen atom of the pyrrole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indene ring to any extent and whether or not substituted in the naphthyl ring to any extent.

(10) Naphthylmethylinindenes: any compound containing a naphthylideneindene structure with substitution at the 3-position of the indene ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indene ring to any extent and whether or not substituted in the naphthyl ring to any extent.

(11) Phenylacetylindoles: any compound containing a 3-phenylacetylindole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent.

(12) Cyclohexylphenols: any compound containing a 2-(3-hydroxycyclohexyl)phenol structure with substitution at the 5-position of the phenolic ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not substituted in the cyclohexyl ring to any extent.

(13) Benzoylindoles: any compound containing a 3-(benzoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent.

(14) 2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo [1,2,3-de]-1,4-benzoxazin-6-yl]-1-naphthalenylmethanone.

(1 5) 9 - (h y d r o x y m e t h y l) - 6 ,
6-dimethyl-3-(2-methyloctan-2-yl)-6a, 7, 10,
10a-tetrahydrobenzo[c]chromen-1-ol.

(16) Adamantoylindoles: any compound containing a 3-(1-adamantoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morphonyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the adamantyl ring system to any extent.

(c) ~~Every~~ Except as otherwise authorized by law, every person who possesses, under circumstances that do not include possession for sale as described in subdivision (a), 28.5 grams or less of any synthetic cannabinoid is guilty of an infraction punishable by a fine of not more than one hundred dollars (\$100).

(d) ~~Every~~ Except as otherwise authorized by law, every person who possesses, under circumstances that do not include possession for sale as described in subdivision (a), more than 28.5 grams of any synthetic cannabinoid shall be punished by imprisonment in a county jail for a period of not more than six months, or by a fine not exceeding one thousand dollars (\$1,000), or by both that fine and imprisonment.

1 (e) *The substances identified in subdivision (b) may be lawfully*
2 *obtained and used for bona fide research, instruction, or analysis*
3 *if that possession and use does not violate federal law.*

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

6 11375.5. (a) ~~Every~~ *Except as otherwise authorized by law,*
7 *every* person who sells, dispenses, distributes, furnishes,
8 administers, or gives, or offers to sell, dispense, distribute, furnish,
9 administer, or give, any synthetic stimulant compound specified
10 in subdivision (b), or any synthetic stimulant derivative, to any
11 person, or who possesses that compound or derivative for sale, is
12 guilty of a misdemeanor punishable by imprisonment in a county
13 jail not exceeding six months, or by a fine not exceeding one
14 thousand dollars (\$1,000), or by both that fine and imprisonment.

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

25 (1) Naphthylpyrovalerone whether or not further substituted in
26 the naphthyl ring to any extent with alkyl, alkoxy, alkylendioxy,
27 haloalkyl, or halide substituents, whether or not further substituted
28 in the naphthyl ring by one or more other univalent substituents,
29 or whether or not further substituted in the carbon chain at the 3-,
30 4-, or 5-position with an alkyl substituent.

31 (2) 2-amino-1-phenyl-1-propanone (cathinone) or variation in
32 any of the following ways:

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

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

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

1 (c) ~~Every~~ *Except as otherwise authorized by law, every* person
2 who possesses, under circumstances that do not include possession
3 for sale as described in subdivision (a), 28.5 grams or less of any
4 synthetic stimulant compound specified in subdivision (b), or any
5 synthetic stimulant derivative, shall be punished by imprisonment
6 in a county jail for a period of not more than one month, or by a
7 fine of five hundred dollars (\$500), or by both that fine and
8 imprisonment.

9 (d) ~~Every~~ *Except as otherwise authorized by law, every* person
10 who possesses, under circumstances that do not include possession
11 for sale as described in subdivision (a), more than 28.5 grams of
12 any synthetic stimulant compound specified in subdivision (b), or
13 any synthetic stimulant derivative, shall be punished by
14 imprisonment in a county jail for a period of not more than six
15 months, or by a fine not exceeding one thousand dollars (\$1,000),
16 or by both that fine and imprisonment.

17 (e) This section shall not prohibit prosecution under any other
18 law.

19 (f) *The substances identified in subdivision (b) may be lawfully*
20 *obtained and used for bona fide research, instruction, or analysis*
21 *if that possession and use does not violate federal law.*

22 SEC. 4. No reimbursement is required by this act pursuant to
23 Section 6 of Article XIII B of the California Constitution because
24 the only costs that may be incurred by a local agency or school
25 district will be incurred because this act creates a new crime or
26 infraction, eliminates a crime or infraction, or changes the penalty
27 for a crime or infraction, within the meaning of Section 17556 of
28 the Government Code, or changes the definition of a crime within
29 the meaning of Section 6 of Article XIII B of the California
30 Constitution.