

AMENDED IN ASSEMBLY SEPTEMBER 8, 1995

AMENDED IN SENATE MARCH 28, 1995

SENATE BILL

No. 419

Introduced by Senator Hurtt

February 15, 1995

An act to amend Section 11383 of the Health and Safety Code, relating to controlled substances.

LEGISLATIVE COUNSEL'S DIGEST

SB 419, as amended, Hurtt. Controlled substances.

Under existing law, any person who, with intent to manufacture methamphetamine, possesses at the same time any of various specified controlled substances, including ephedrine and pseudoephedrine, plus hydriodic acid is guilty of a felony and shall be punished by imprisonment in the state prison for 2, 4, or 6 years.

This bill would provide that possession of hydriodic acid or any product containing hydriodic acid with intent to manufacture methamphetamine is a felony punishable by imprisonment in the state prison for 2, 4, or 6 years. The bill would make other clarifying changes.

By creating a new crime, this 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.

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 11383 of the Health and Safety
2 Code is amended to read:

3 11383. (a) Any person who possesses both
4 methylamine and phenyl-2-propanone (phenylacetone)
5 at the same time with the intent to manufacture
6 methamphetamine, or who possesses both ethylamine
7 and phenyl-2-propanone (phenylacetone) at the same
8 time with the intent to manufacture
9 N-ethylamphetamine, is guilty of a felony and shall be
10 punished by imprisonment in the state prison for two,
11 four, or six years.

12 (b) Any person who possesses at the same time any of
13 the following combinations, or a combination product
14 thereof, with intent to manufacture phencyclidine
15 (PCP) or any of its analogs specified in paragraph (22) of
16 subdivision (d) of Section 11054 or paragraph (3) of
17 subdivision (e) of Section 11055 is guilty of a felony and
18 shall be punished by imprisonment in the state prison for
19 two, four, or six years:

20 (1) Piperidine and cyclohexanone.

21 (2) Pyrrolidine and cyclohexanone.

22 (3) Morpholine and cyclohexanone.

23 (c) (1) Any person who, with intent to manufacture
24 methamphetamine or any of its analogs specified in
25 subdivision (d) of Section 11055, possesses ephedrine or
26 pseudoephedrine, or any salts, isomers, or salts of isomers
27 of ephedrine or pseudoephedrine, or who possesses a
28 substance containing ephedrine or pseudoephedrine, or
29 any salts, isomers, or salts of isomers of ephedrine or
30 pseudoephedrine, or who possesses at the same time any
31 of the following, or a combination product thereof, is
32 guilty of a felony and shall be punished by imprisonment
33 in the state prison for two, four, or six years:



1 (A) Ephedrine, pseudoephedrine,
2 norpseudoephedrine, N-methylephedrine,
3 N-ethylephedrine, N-methylpseudoephedrine,
4 N-ethylpseudoephedrine, or phenylpropanolamine, plus
5 hydriodic acid.

6 (B) Ephedrine, pseudoephedrine,
7 norpseudoephedrine, N-methylephedrine,
8 N-ethylephedrine, N-methylpseudoephedrine,
9 N-ethylpseudoephedrine, or phenylpropanolamine,
10 thionyl chloride and hydrogen gas.

11 (C) Ephedrine, pseudoephedrine,
12 norpseudoephedrine, N-methylephedrine,
13 N-ethylephedrine, N-methylpseudoephedrine,
14 N-ethylpseudoephedrine, or phenylpropanolamine, plus
15 phosphorus pentachloride and hydrogen gas.

16 (D) Ephedrine, pseudoephedrine,
17 norpseudoephedrine, N-methylephedrine,
18 N-ethylephedrine, N-methylpseudoephedrine,
19 N-ethylpseudoephedrine, chloroephedrine and
20 chloropseudoephedrine, or phenylpropanolamine, plus
21 any “reducing” agent.

22 (2) Any person who, with intent to manufacture
23 methamphetamine or any of its analogs specified in
24 subdivision (d) of Section 11055, possesses hydriodic acid
25 or any product containing hydriodic acid is guilty of a
26 felony and shall be punished by imprisonment in the state
27 prison for two, four, or six years.

28 (d) For purposes of this section, “reducing” means a
29 chemical reaction in which hydrogen combines with
30 another substance or in which oxygen is removed from a
31 substance.

32 (e) For purposes of this section, possession of the
33 optical, positional, or geometric isomer of any of the
34 compounds listed in this section shall be deemed to be
35 possession of the derivative substance.

36 (f) For purposes of this section, possession of
37 immediate precursors sufficient for the manufacture of
38 methylamine, ethylamine, phenyl-2-propanone,
39 piperidine, cyclohexanone, pyrrolidine, morpholine,
40 ephedrine, pseudoephedrine, norpseudoephedrine,



1 N-methylephedrine, N-ethylephedrine,
 2 phenylpropanolamine, hydriodic acid, thionyl chloride,
 3 or phosphorus pentachloride shall be deemed to be
 4 possession of ~~such~~ *a the* derivative substance.
 5 Additionally, possession of essential chemicals sufficient
 6 to manufacture hydriodic acid, with intent to
 7 manufacture methamphetamine, shall be deemed to be
 8 possession of ~~hydriotic~~ *hydriodic* acid. Additionally,
 9 possession of any compound or mixture containing
 10 piperidine, cyclohexanone, pyrrolidine, or morpholine
 11 ephedrine, pseudoephedrine, norpseudoephedrine,
 12 N-methylephedrine, N-ethylephedrine,
 13 phenylpropanolamine, hydriodic acid, thionyl chloride,
 14 or phosphorus pentachloride shall be deemed to be
 15 possession of the substance.

16 (g) Subdivisions (a), (b), (c), (e), and (f) do not apply
 17 to drug manufacturers licensed by this state or persons
 18 authorized by regulation of the Board of Pharmacy to
 19 possess those substances or combinations of substances.

20 SEC. 2. No reimbursement is required by this act
 21 pursuant to Section 6 of Article XIII B of the California
 22 Constitution because the only costs that may be incurred
 23 by a local agency or school district will be incurred
 24 because this act creates a new crime or infraction,
 25 eliminates a crime or infraction, or changes the penalty
 26 for a crime or infraction, within the meaning of Section
 27 17556 of the Government Code, or changes the definition
 28 of a crime within the meaning of Section 6 of Article
 29 XIII B of the California Constitution.

30 Notwithstanding Section 17580 of the Government
 31 Code, unless otherwise specified, the provisions of this act
 32 shall become operative on the same date that the act
 33 takes effect pursuant to the California Constitution.

