

ASSEMBLY BILL

No. 2106

Introduced by Assembly Member Davis

February 22, 2000

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

LEGISLATIVE COUNSEL'S DIGEST

AB 2106, as introduced, Davis. 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 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.

This bill would provide that any person who, with intent to manufacture gamma-hydroxybutyrate (GHB) or any of its analogs specified in subdivision (e) of Section 11054, possesses gamma butyrolactone (GBL), or any salts, isomers, or salts of isomers of GBL or GHB, or who possesses a substance containing GBL at the same time with sodium hydroxide, or a combination product thereof, is guilty of a felony and shall be punished by imprisonment in the state prison for 2, 4, or 6 years.

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



1 guilty of a felony and shall be punished by imprisonment
2 in the state prison for two, four, or six years:

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

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

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

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

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

30 (d) *Any person who, with intent to manufacture*
31 *gamma-hydroxybutyrate (GHB) or any of its analogs*
32 *specified in subdivision (e) of Section 11054, possesses*
33 *gamma butyrolactone (GBL), or any salts, isomers, or*
34 *salts of isomers of GBL or GHB, or who possesses a*
35 *substance containing GBL at the same time with sodium*
36 *hydroxide, or a combination product thereof, is guilty of*
37 *a felony and shall be punished by imprisonment in the*
38 *state prison for two, four, or six years.*

39 (e) For purposes of this section, “reducing” means a
40 chemical reaction in which hydrogen combines with



1 another substance or in which oxygen is removed from a
2 substance.

3 ~~(e)~~

4 (f) For purposes of this section, possession of the
5 optical, positional, or geometric isomer of any of the
6 compounds listed in this section shall be deemed to be
7 possession of the derivative substance.

8 ~~(f)~~

9 (g) For purposes of this section, possession of
10 immediate precursors sufficient for the manufacture of
11 methylamine, ethylamine, phenyl-2-propanone,
12 piperidine, cyclohexanone, pyrrolidine, morpholine,
13 ephedrine, pseudoephedrine, norpseudoephedrine,
14 N-methylephedrine, N-ethylephedrine,
15 phenylpropanolamine, hydriodic acid, thionyl chloride,
16 or phosphorus pentachloride shall be deemed to be
17 possession of the derivative substance. Additionally,
18 possession of essential chemicals sufficient to
19 manufacture hydriodic acid, with intent to manufacture
20 methamphetamine, shall be deemed to be possession of
21 hydriodic acid. Additionally, possession of any compound
22 or mixture containing piperidine, cyclohexanone,
23 pyrrolidine, or morpholine ephedrine, pseudoephedrine,
24 norpseudoephedrine, N-methylephedrine,
25 N-ethylephedrine, phenylpropanolamine, hydriodic
26 acid, thionyl chloride, or phosphorus pentachloride shall
27 be deemed to be possession of the substance.

28 ~~(g)~~

29 (h) Subdivisions (a), (b), (c), ~~(e)~~ (f), and ~~(f)~~ (g) do
30 not apply to drug manufacturers licensed by this state or
31 persons authorized by regulation of the Board of
32 Pharmacy to possess those substances or combinations of
33 substances.

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



1 17556 of the Government Code, or changes the definition
2 of a crime within the meaning of Section 6 of Article
3 XIII B of the California Constitution.

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