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AB-2018 Controlled substances: fenfluramine. (2023-2024)

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Assembly Bill No. 2018

CHAPTER 98

An act to amend Sections 11057 and 11375 of the Health and Safety Code, relating to controlled substances.

[Approved by Governor July 15, 2024. Filed with Secretary of State July 15, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2018, Rodriguez. Controlled substances: fenfluramine.

Existing law, the California Uniform Controlled Substances Act, categorizes controlled substances into 5 schedules and places the greatest restrictions on those substances contained in Schedule I. Under existing law, the substances in Schedule I are deemed to have a high potential for abuse and no accepted medical use while substances in Schedules II through V are substances that have an accepted medical use, but have the potential for abuse. Existing law categorizes fenfluramine as a Schedule IV controlled substance. Existing law makes it a crime to possess, possess for sale, or to sell materials, compounds, mixtures, or preparations containing specified controlled substances, including fenfluramine, as specified.

This bill would remove fenfluramine from the list of Schedule IV controlled substances under the California Uniform Controlled Substances Act and remove it from the list of controlled substances that are a crime to possess or sell, as specified.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 11057 of the Health and Safety Code is amended to read:

11057. (a) The controlled substances listed in this section are included in Schedule IV.

(b) Schedule IV shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section.

(c) Narcotic drugs. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:

- (1) Not more than 1 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.
- (2) Dextropropoxyphene (alpha-(+)-4-dimethylamino-1, 2-diphenyl-3-methyl-2-propionoxybutane).
- (3) Butorphanol.

(d) Depressants. Unless specifically excepted in Section 11059 or elsewhere, or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers, and salts of isomers whenever the existence of those salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (1) Alprazolam.
- (2) Barbitol.
- (3) Chloral betaine.
- (4) Chloral hydrate.
- (5) Chlordiazepoxide.
- (6) Clobazam.
- (7) Clonazepam.
- (8) Clorazepate.
- (9) Diazepam.
- (10) Estazolam.
- (11) Ethchlorvynol.
- (12) Ethinamate.
- (13) Flunitrazepam.
- (14) Flurazepam.
- (15) Halazepam.
- (16) Lorazepam.
- (17) Mebutamate.
- (18) Meproamate.
- (19) Methohexital.
- (20) Methylphenobarbital (Mephobarbital).
- (21) Midazolam.
- (22) Nitrazepam.
- (23) Oxazepam.
- (24) Paraldehyde.
- (25) Petrichoral.
- (26) Phenobarbital.
- (27) Prazepam.
- (28) Quazepam.
- (29) Temazepam.
- (30) Triazolam.
- (31) Zaleplon.
- (32) Zolpidem.

(e) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position, or geometric), and salts of those isomers is possible within the specific chemical designation:

- (1) Diethylpropion.
- (2) Mazindol.
- (3) Modafinil.
- (4) Phentermine.
- (5) Pemoline (including organometallic complexes and chelates thereof).
- (6) Pipradrol.
- (7) SPA ((-)-1-dimethylamino-1,2-diphenylethane).
- (8) Cathine ((+)-norpseudoephedrine).

(f) Other substances. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of pentazocine, including its salts.

SEC. 2. Section 11375 of the Health and Safety Code, as amended by Section 2 of Chapter 838 of the Statutes of 2001, is amended to read:

11375. (a) As to the substances specified in subdivision (c), this section, and not Sections 11377, 11378, 11379, and 11380, shall apply.

(b) (1) A person who possesses for sale, or who sells, a substance specified in subdivision (c) shall be punished by imprisonment in the county jail for a period of not more than one year or state prison.

(2) A person who possesses a controlled substance specified in subdivision (c), unless upon the prescription of a physician, dentist, podiatrist, or veterinarian, licensed to practice in this state, shall be guilty of an infraction or a misdemeanor.

(c) This section shall apply to a material, compound, mixture, or preparation containing any of the following substances:

- (1) Chlordiazepoxide.
- (2) Clonazepam.
- (3) Clorazepate.
- (4) Diazepam.
- (5) Flurazepam.
- (6) Lorazepam.
- (7) Mebutamate.
- (8) Oxazepam.
- (9) Prazepam.
- (10) Temazepam.
- (11) Halazepam.
- (12) Alprazolam.
- (13) Propoxyphene.
- (14) Diethylpropion.
- (15) Phentermine.
- (16) Pemoline.

