

# 2023

California Peace Officers'

# DRUG LAWS

Law Summaries

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Includes summaries of the most-commonly used enforcement provisions from the following codes:

Business and Professions  
Health and Safety  
Penal

*Now Contains a Cannabis  
Charging Guide*

**Includes enactments through the  
2022 Regular Legislative Session**

**CAUTION:**

This manual contains summaries of law which are not intended to be construed as complete or precise interpretations. For the complete text of a section, refer to QWIK-CODES' other respective codes.



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# **TABLE OF SECTIONS AFFECTED BY LEGISLATION IN 2022**

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## **BUSINESS AND PROFESSIONS CODE**

4060	AM
26000	AM
26001	AM
26200	AM

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## **HEALTH AND SAFETY CODE**

11014.5	AM
11364.5	AM
11374.5	AM

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## **PENAL CODE**

647	AM
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# BUSINESS AND PROFESSIONS CODE

## PHARMACY

### **4060. POSSESS CONTROLLED SUBSTANCE**

M Except furnished upon prescription of physician, dentist, podiatrist, optometrist, veterinarian, nurse practitioner practicing pursuant to BP 2837.103 or 2837.104, or naturopathic doctor pursuant to BP 3640.7, or furnished pursuant to drug order by certified nurse-midwife pursuant to BP 2746.51, a nurse practitioner practicing pursuant to BP 2836.1, a physician assistant pursuant to BP 3502.1, a naturopathic doctor pursuant to BP 3640.5, or a pharmacist pursuant to BP 4052.1, 4052.2, or 4052.6. Not applicable to manufacturer, wholesaler, third-party logistics provider, pharmacy, pharmacist, physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified nurse-midwife, nurse practitioner, or physician assistant, when in properly labeled stock containers. This section does not authorize certified nurse-midwife, a nurse practitioner practicing pursuant to Section 2836.1, a physician assistant, or a naturopathic doctor, to order their own stock of dangerous drugs and devices.

### **4141. HYPODERMIC NEEDLE**

M Furnish, by sale or otherwise, without license issued by the board, except as provided in this article.

### **4163. FURNISH DANGEROUS DRUG OR DANGEROUS DEVICE**

M (a) To unauthorized person by manufacturer, wholesaler, repackager, or pharmacy. [See (b) and (c) in Code regarding acquisition of dangerous drugs or dangerous devices.]

### **4324. PRESCRIPTION FORGERY**

F (a) Sign the name of another, of a fictitious person, or falsely make, alter, forge, utter, publish, pass, or attempt to pass, as genuine, a prescription for a drug.

F (b) Possess a drug secured by such forgery.

**4325. PRESCRIPTION BLANK**

M (a) No person other than physician, dentist, podiatrist, veterinarian, pharmacist, or other person authorized by law to dispense, administer, or prescribe controlled substances, or the person's agent acting under authorization by the person to print prescription blanks, and acting in the regular practice of the person's profession, shall knowingly and willfully manufacture, copy, reproduce, or possess, or cause to be manufactured, copied, reproduced, or possessed, any prescription blank that purports to bear the name, address, and federal registry or other identifying information of a physician, dentist, podiatrist, veterinarian, or other person authorized by law to dispense, administer, or prescribe controlled substances. Manufacture, copy, reproduce or possess, or cause same.

**CANNABIS**

R For a complete list of Codes relating to Cannabis, see BP 26000–26231.2 in *QWIK-CODES' ABRIDGED DRUG LAWS*

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transfers any controlled substance through this state.

**11009. “DELIVER OR DELIVERY” DEFINED**

R Actual, constructive, or attempted transfer from one person to another of a controlled substance, whether or not there is an agency relationship.

**11010. “DISPENSE” DEFINED**

R To deliver a controlled substance to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing, furnishing, packaging, labeling, or compounding necessary to prepare the substance for that delivery.

**11011. “DISPENSER” DEFINED**

R A practitioner who dispenses.

**11012. “DISTRIBUTE” DEFINED**

R To deliver other than by administering or dispensing a controlled substance.

**11013. “DISTRIBUTOR” DEFINED**

R Person who distributes. The term distributor also includes warehousemen handling or storing controlled substances and customs brokers.

(a) Substances recognized as drugs in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them; (b) Substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals; (c) Substances (other than food) intended to affect the structure or any function of the body of man or animals; and (d) Substances intended for use as a component of any article as in (a), (b), or (c) of this section. It does not include devices or their components, parts, or accessories.

**11014.5. “DRUG PARAPHERNALIA” DEFINED**

(a) Equipment, products and materials of any kind designed for



use or marketed for use to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, package, repackage, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of this division. It includes, but is not limited to:

- R (1) Kits designed for use or marketed for use to plant, propagate, cultivate, grow, or harvest any species of plant which is a controlled substance or from which a controlled substance can be derived.
- R (2) Kits designed for use or marketed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances.
- R (3) Isomerization devices designed for use or marketed for use in increasing the potency of any species of plant which is a controlled substance.
- R (4) Testing equipment designed for use or marketed for use in identifying, or in analyzing the strength, effectiveness, or purity of controlled substances, except as otherwise provided in (d).
- R (5) Scales and balances designed for use or marketed for use in weighing or measuring controlled substances.
- R (6) Containers and other objects designed for use or marketed for use in storing or concealing controlled substances.
- R (7) Hypodermic syringes, needles and other objects designed for use or marketed for use in parenterally injecting controlled substances into the human body.
- (8) Objects designed for use or marketed for use in ingesting, inhaling or otherwise introducing cannabis, cocaine, hashish, or hashish oil into the human body, such as:
  - R (A) Carburetion tubes and devices.
  - R (B) Smoking and carburetion masks.
  - R (C) Roach clips, (objects used to hold burning material, such as cannabis cigarette, too small or too short to be held in the hand).

- R (D) Miniature cocaine spoons, and cocaine vials.
- R (E) Chamber pipes.
- R (F) Carburetor pipes.
- R (G) Electric pipes.
- R (H) Air-driven pipes.
- R (I) Chillums.
- R (J) Bonges.
- R (K) Ice pipes or chillers. [See *Code for list and HS 11364 and 11364.7 for paraphernalia violations*]
- R (b) For this section, “marketed for use” means advertising, distributing, offering for sale, displaying for sale, or selling in a manner which promotes the use of equipment, products, or materials with controlled substances.
- R (d) Notwithstanding paragraph (4) of subdivision (a), “drug paraphernalia” does not include any testing equipment designed, marketed, intended to be used, or used, to test a substance for the presence of fentanyl, ketamine, gamma hydroxybutyric acid, or any analog of fentanyl.
- 11016. “FURNISH” DEFINED**
- R Has the same meaning as provided in BP 4048.5.
- 11017. “MANUFACTURER” DEFINED**
- R Has the same meaning as provided in BP 4034.
- 11018. “CANNABIS” DEFINED**
- R All parts of the plant *Cannabis sativa* L., whether growing or not; the seeds thereof; the resin extracted from the plant; and every compound, manufacturer, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include either of the following: (a) Industrial hemp, as in HS 11018.5. (b) The weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink, or other product.
- 11018.1. “CANNABIS PRODUCTS” DEFINED**
- R Cannabis processed into concentrate, or products containing

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