

AMENDED IN SENATE JUNE 6, 2023

AMENDED IN ASSEMBLY APRIL 12, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 1021

**Introduced by Assembly Member Wicks
(Principal coauthor: Assembly Member Bryan)
(Coauthor: Assembly Member Jackson)**

February 15, 2023

An act to add Section 11150.3 to the Health and Safety Code, relating to controlled substances.

LEGISLATIVE COUNSEL'S DIGEST

AB 1021, as amended, Wicks. Controlled substances: rescheduling.

Existing law, the California Uniform Controlled Substances Act, classifies controlled substances into 5 schedules and places the greatest restrictions and penalties on the use of those substances placed in Schedule I. Existing law restricts the prescription, furnishing, possession, sale, and use of controlled substances and makes a violation of those laws a crime, except as specified.

Existing law, if one of specified changes in federal law regarding the controlled substance cannabidiol occurs, deems a physician, pharmacist, or other healing arts licensee who prescribes, furnishes, or dispenses a product composed of cannabidiol, in accordance with federal law, to be in compliance with state law governing those acts and provides that, upon the effective date of one of those changes in federal law, the prescription, furnishing, dispensing, transfer, transportation, possession, or use of that product in accordance with federal law is for a legitimate medical purpose and is authorized pursuant to state law.

This bill, if one of specified changes in federal law regarding controlled substances occurs, would deem a physician, pharmacist, or other authorized healing arts licensee who prescribes, furnishes, or dispenses a product composed of one of these substances, in accordance with federal law, to be in compliance with state law governing those acts. The bill would also provide that upon the effective date of one of those changes in federal law regarding these substances, the prescription, furnishing, dispensing, transfer, transportation, possession, or use of that product in accordance with federal law is for a legitimate medical purpose and is authorized pursuant to state law.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 11150.3 is added to the Health and Safety
2 Code, to read:

3 11150.3. (a) Notwithstanding any other law, if a substance
4 listed in Schedule I of Section 11054 is excluded from Schedule
5 I of the federal Controlled Substances Act and placed on a schedule
6 of the act other than Schedule I, or if a product composed of one
7 of these substances is approved by the federal Food and Drug
8 Administration and either placed on a schedule of the act other
9 than Schedule I, or exempted from one or more provisions of the
10 act, so as to permit a physician, pharmacist, or other authorized
11 healing arts licensee acting within their scope of practice, to
12 prescribe, furnish, or dispense that product, the physician,
13 pharmacist, or other authorized healing arts licensee who
14 prescribes, furnishes, or dispenses that product in accordance with
15 federal law shall be deemed to be in compliance with state law
16 governing those acts.

17 (b) For purposes of this chapter, upon the effective date of any
18 of the changes in federal law described in subdivision (a),
19 notwithstanding any other state law, a product composed of the
20 excluded substance may be prescribed, furnished, dispensed,
21 transferred, transported, possessed, or used in accordance with
22 federal law and is authorized pursuant to state law.

23 (c) This section does not apply to cannabis or a cannabis product,
24 as defined in Section 26001 of the Business and Professions Code,

- 1 ~~that is regulated by Section 11150.2. Code. However, cannabis or~~
- 2 ~~cannabis products may be authorized pursuant to Section 11150.2.~~

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