

Assembly Bill No. 1021

CHAPTER 274

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

[Approved by Governor September 30, 2023. Filed with
Secretary of State September 30, 2023.]

legislative counsel's digest

AB 1021, 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.

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

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

11150.3. (a) Notwithstanding any other law, if a substance listed in Schedule I of Section 11054 is excluded from Schedule I of the federal

Controlled Substances Act and placed on a schedule of the act other than Schedule I, or if a product composed of one of these substances is approved by the federal Food and Drug Administration and either placed on a schedule of the act other than Schedule I, or exempted from one or more provisions of the act, so as to permit a physician, pharmacist, or other authorized healing arts licensee acting within their scope of practice, to prescribe, furnish, or dispense that product, the physician, pharmacist, or other authorized healing arts licensee who prescribes, furnishes, or dispenses that product in accordance with federal law shall be deemed to be in compliance with state law governing those acts.

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

(c) This section does not apply to cannabis or a cannabis product, as defined in Section 26001 of the Business and Professions Code. However, cannabis or cannabis products may be authorized pursuant to Section 11150.2.