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incurred by it in connection with the sale, including expenditure for any necessary repairs, storage, or transportation, of any vehicle, boat, or airplane seized under this article.

2. To the Attorney General for all expenditures made or incurred by him in connection with the forfeiture proceedings of any vehicle, boat, or airplane seized under this article, including, but not limited to, expenditures for witness fees, reporters' fees, transcripts, printing, traveling, and investigation.

3. To the state for all expenditures for traveling, investigation, storage, and other expenses made or incurred by the Department of Justice after the seizure, and in connection with the forfeiture of any vehicle, boat, or airplane seized under this article.

4. The remainder, if any, to the State Treasury, for credit to the General Fund.

11498. The provisions of this division relative to forfeiture of vehicles, boats, or airplanes shall not apply to a common carrier, or to an employee acting within the scope of his employment in the enforcement of this division.

#### CHAPTER 9. COLLECTION AND DISPOSITION OF FINES

11500. The district attorney, or any person designated by him, of the county in which any violation of this division is committed shall conduct all actions and prosecutions for the violation.

However, the Attorney General, or special counsel employed by the Attorney General for that purpose, may take complete charge of the conduct of such actions or prosecutions. The Attorney General may fix the compensation to be paid for the service and may incur such other expense in connection with the conduct of the actions or prosecutions as he may deem necessary. No attorney employed as special counsel shall receive as compensation more than three thousand five hundred dollars (\$3,500) in any one year.

11501. The State of California, or any political subdivision thereof, may maintain an action against any person or persons engaged in the unlawful sale of controlled substances or the recovery of any public funds paid over to such person or persons in the course of any investigation of violations of this division. All proceedings under this section shall be instituted in the superior court of the county where the funds were paid over, where the sale was made, or where the defendant resides. Notwithstanding Section 483.010 of the Code of Civil Procedure, in any action under this section, a writ of attachment may be issued, without the showing required by Section 485.010 of the Code of Civil Procedure, in the manner provided by Chapter 5 (commencing with Section 485.010) of Title 6.5 of Part 2 of the Code of Civil Procedure to attach any funds paid over or any other funds on the defendant's person at the time of his arrest.

11502. All moneys, forfeited bail, or fines received by any court under this division shall as soon as practicable after the receipt thereof be

deposited with the county treasurer of the county in which such court is situated. Amounts so deposited shall be paid at least once a month as follows: 75 percent to the State Treasurer by warrant of the county auditor drawn upon the requisition of the clerk or judge of said court to be deposited in the State Treasury on order of the State Controller; and 25 percent to the city treasurer of the city, if the offense occurred in a city, otherwise to the treasurer of the county in which the prosecution is conducted.

Any money deposited in the State Treasury under the provisions of this section which is determined by the State Controller to have been erroneously deposited therein shall be refunded by him, subject to approval of the State Board of Control prior to the payment of such refund, out of any money in the State Treasury which is available by law for such purpose.

11503. Judges and magistrates who collect fines or forfeitures under this division shall keep a record thereof, and, upon the imposition of any such fine or forfeiture, shall at least monthly transmit a record of it to the county auditor. The county auditor shall transmit a record of the imposition, collection and payment of such fines or forfeitures to the State Controller at the time of transmittal of each warrant to the State Treasurer pursuant to this article.

11504. When an imprisonment has been imposed for a violation of this division, and before the termination of the sentence, the defendant is released by the vacation of the sentence of imprisonment and the imposition of a fine or forfeiture instead, the fine or forfeiture shall be recorded and accounted for in the same manner as though it had been imposed in the first instance.

11505. Whenever a fine has been imposed for violation of this division, and before the full payment of the fine a sentence of imprisonment is imposed instead, the imprisonment shall be recorded and accounted for to the county auditor.

11506. The State Controller shall check the reports and records received by him with the transmittals of fines and forfeitures and whenever it appears that fines or forfeitures have not been transmitted the county auditor shall and the State Controller may bring suit to enforce their collection or transmittal, or both.

11507. The official bond of any judge or magistrate is liable for his failure to transmit the fines or forfeitures imposed by him under this division.

11508. The records kept by a judge or magistrate under this division are open to public inspection, and may be checked by the State Controller, the Attorney General, the district attorney of the particular county, or the state bureau.

## CHAPTER 10. CONTROL OF USERS OF CONTROLLED SUBSTANCES

## Article 1. Addicts

11550. No person shall use, or be under the influence of any controlled substance which is (1) specified in subdivision (b) or (c) of Section 11054, specified in paragraph (11), (12), or (17) of subdivision (d) of Section 11054, or specified in subdivision (b) or (c) of Section 11055, or (2) which is a narcotic drug classified in Schedule III, IV, or V, excepting when administered by or under the direction of a person licensed by the state to dispense, prescribe, or administer controlled substances. It shall be the burden of the defense to show that it comes within the exception. Any person convicted of violating any provision of this section is guilty of a misdemeanor and shall be sentenced to serve a term of not less than 90 days nor more than one year in the county jail. The court may place a person convicted hereunder on probation for a period not to exceed five years and shall in all cases in which probation is granted require as a condition thereof that such person be confined in the county jail for at least 90 days. In no event does the court have the power to absolve a person who violates this section from the obligation of spending at least 90 days in confinement in the county jail.

11551. (a) Whenever any court in this state grants probation to a person who the court has reason to believe is or has been a user of controlled substances, the court may require as a condition to probation that the probationer submit to periodic tests by a city or county health officer, or by a physician and surgeon appointed by the city or county health officer with the approval of the Attorney General, to determine, by whatever means is available, whether the probationer is addicted to a controlled substance.

In any case provided for in this subdivision, the city or county health officer, or the physician and surgeon appointed by the city or county health officer with the approval of the Attorney General shall report the results of the tests to the probation officer.

(b) In any case in which a person is granted parole by a county parole board and the person is or has been a user of controlled substances, a condition of the parole may be that the parolee undergo periodic tests as provided in subdivision (a) and that the county or city health officer, or the physician and surgeon appointed by the city or county health officer with the approval of the Attorney General, shall report the results to the board.

(c) In any case in which any state agency grants a parole to a person who is or has been a user of controlled substances, it may be a condition of the parole that the parolee undergo periodic tests as provided in subdivision (a) and that the county or city health officer, or the physician and surgeon appointed by the city or county health officer with the approval of the Attorney General, shall report the results of the tests to such state agency.

(d) The cost of administering tests pursuant to subdivisions (a) and (b)

shall be a charge against the county. The cost of administering tests pursuant to subdivision (c) shall be paid by the state.

(e) The state department, in conjunction with the Attorney General, shall issue regulations governing the administering of the tests provided for in this section and providing the form of the report required by this section.

11552. In any case in which a person has been arrested for a criminal offense and is suspected of being addicted to a controlled substance, a law enforcement officer having custody of such person may, with the written consent of such person, request the city or county health officer, or physician appointed by such health officer pursuant to Section 11551, to administer to the arrested person a test to determine, by whatever means is available whether the arrested person is addicted to a controlled substance, and such health officer or physician may administer such test to such arrested person.

11553. The fact that a person is or has been, or is suspected of being, a user of marijuana is not alone sufficient grounds upon which to invoke Section 11551 or 11552.

This section shall not be construed to limit the discretion of a judge to invoke Section 11551 or 11552 if the court has reason to believe a person is or has been a user of narcotics or drugs other than marijuana.

11554. The rehabilitation of persons addicted to controlled substances and the prevention of continued addiction to controlled substances is a matter of statewide concern. It is the policy of the state to encourage each county and city and county to make use, whenever applicable, of testing procedures to determine addiction to controlled substances or the absence thereof, and to foster research in means of detecting the existence of addiction to controlled substances and in medical methods and procedures for that purpose.

11555. The Attorney General is directed to promote and sponsor the use by agencies of local government of the provisions of this article. The Attorney General may assist such agencies to establish facilities for, and to train personnel to conduct testing procedures pursuant to Section 11551, and may conduct demonstrations thereof for limited periods. For these purposes the Attorney General may procure such medical supplies, equipment, and temporary services of physicians and qualified consultants as may reasonably be necessary. Subject to the availability of funds appropriated for the purpose, the Attorney General may contract with any county or city and county which undertakes to establish facilities and a testing program pursuant to Section 11551, and such contract may provide for payment by the state of such costs of initially establishing and demonstrating such program as the Attorney General may approve.

## Article 2. Controlled Substances Treatment Control Units

11560. The Department of Corrections and the Department of the Youth Authority are authorized to establish controlled substance

treatment control units in state correctional facilities or training schools or as separate establishments for such study, research, and treatment as may be necessary for control of the addiction or imminent addiction to controlled substances of persons committed to the custody of the Director of Corrections or the Director of the Youth Authority.

11561. When the Adult Authority concludes that there are reasonable grounds for believing that a man on parole is addicted to, or is in imminent danger of addiction to, controlled substances it may issue an order to detain or place such person in a controlled substance treatment control unit for a period not to exceed 90 days. Such order shall be a sufficient warrant for any peace officer or employee of the Department of Corrections to return to physical custody any such person. Detention pursuant to such order shall not be deemed a suspension, cancellation or revocation of parole until such time as the Adult Authority so orders pursuant to Section 3060 of the Penal Code. A parolee taken into physical custody pursuant to Section 3060 of the Penal Code may be detained in a controlled substance treatment control unit established pursuant to this article.

11562. When the Youth Authority concludes that there are reasonable grounds for believing that a person committed to its custody, and on parole, is addicted to, or is in imminent danger of addiction to, controlled substances, it may issue an order to detain or place such person in a controlled substance treatment control unit for not to exceed 90 days. Such order shall be a sufficient warrant for any peace officer or employee of the Department of the Youth Authority to return to physical custody any such person. Detention pursuant to such order shall not be deemed a suspension, cancellation, or revocation of parole unless the Youth Authority so orders pursuant to Section 1761.3 of the Welfare and Institutions Code.

With the consent of the Director of Corrections, the Director of the Youth Authority may, pursuant to this section, confine the addicted or potentially addicted person, over 18 years of age, in a controlled substance treatment control unit established by the Department of Corrections.

11563. When the California Women's Board of Terms and Parole concludes that there are reasonable grounds for believing that a woman on parole is addicted to, or is in imminent danger of addiction to, controlled substances, it may issue an order to detain or place such person in a controlled substance treatment control unit for a period not to exceed 90 days. Such order shall be a sufficient warrant for any peace officer or employee of the Department of Corrections to return to physical custody any such person. Detention pursuant to such order shall not be deemed a suspension, cancellation or revocation of parole until such time as the board so orders pursuant to Section 3060 of the Penal Code. A parolee taken into physical custody pursuant to Section 3060, 6043, or 6044 of the Penal Code may be detained in a controlled substance treatment control unit established pursuant to this article.

11564. The authority granted to the Adult Authority and the Youth

Authority in no way limits Sections 3060 and 3325 of the Penal Code.

### Article 3. Abatement

11570. Every building or place used for the purpose of unlawfully selling, serving, storing, keeping, or giving away controlled substances as defined in this division, and every building or place wherein or upon which such acts take place, is a nuisance which shall be enjoined, abated, and prevented, whether it is a public or private nuisance.

11571. Whenever there is reason to believe that such a nuisance is kept, maintained or exists in any county, the district attorney of the county, in the name of the people, shall, or any citizen of the state resident in the county, in his own name, may, maintain an action to abate and prevent the nuisance and perpetually to enjoin the person conducting or maintaining it, and the owner, lessee, or agent of the building or place, in or upon which the nuisance exists, from directly or indirectly maintaining or permitting the nuisance.

11572. Unless filed by the district attorney, the complaint in the action shall be verified.

11573. If the existence of the nuisance is shown in the action to the satisfaction of the court or judge, either by verified complaint or affidavit, the court or judge shall allow a temporary writ of injunction to abate and prevent the continuance or recurrence of the nuisance.

11574. Except when it is granted on application of the people of the state, on granting the temporary writ the court or judge shall require a written undertaking on the part of the applicant, with sufficient sureties, to the effect that he will pay to the defendant enjoined such damages, not exceeding an amount to be specified, as the defendant sustains by reason of the injunction if the court finally decides that the applicant was not entitled to it.

11575. The action shall have precedence over all other actions, except criminal proceedings, election contests, hearings on injunctions, and actions to forfeit vehicles under this division.

11576. If the complaint is filed by a citizen it shall not be dismissed by him or for want of prosecution except upon a sworn statement made by him and his attorney, setting forth the reasons why the action should be dismissed, and by dismissal ordered by the court.

11577. In case of failure to prosecute the action with reasonable diligence, or at the request of the plaintiff, the court, in its discretion, may substitute any other citizen consenting thereto for the plaintiff.

11578. If the action is brought by a citizen and the court finds there was no reasonable ground or cause for the action, the costs shall be taxed against him.

11579. If the existence of the nuisance is established in the action, an

order of abatement shall be entered as part of the judgment in the case, and plaintiff's costs in the action are a lien upon the building or place. The lien is enforceable and collectible by execution issued by order of the court.

11580. A violation or disobedience of the injunction or order for abatement is punishable as a contempt of court by a fine of not less than two hundred dollars (\$200) nor more than one thousand dollars (\$1,000), or by imprisonment in the county jail for not less than one nor more than six months, or by both.

11581. If the existence of the nuisance is established in the action, an order of abatement shall be entered as a part of the judgment, which order shall direct the removal from the building or place of all fixtures, musical instruments, and other movable property used in conducting, maintaining, aiding, or abetting the nuisance and shall direct their sale in the manner provided for the sale of chattels under execution.

The order shall provide for the effectual closing of the building or place against its use for any purpose, and for keeping it closed for a period of one year, unless sooner released, as provided in this division.

11582. While the order of abatement remains in effect, the building or place is in the custody of the court.

11583. For removing and selling the movable property, the officer is entitled to charge and receive the same fees as he would for levying upon and selling like property on execution; and for closing the premises and keeping them closed, a reasonable sum shall be allowed by the court.

11584. The proceeds of the sale of the movable property shall be applied as follows:

First—To the fees and costs of the removal and sale.

Second—To the allowances and costs of closing and keeping closed the building or place.

Third—To the payment of the plaintiff's costs in the action.

Fourth—The balance, if any, to the owner of the property.

11585. If the proceeds of the sale of the movable property do not fully discharge all of the costs, fees, and allowances, the building and place shall then also be sold under execution issued upon the order of the court or judge and the proceeds of the sale shall be applied in like manner.

11586. If the owner of the building or place has not been guilty of any contempt of court in the proceedings, and appears and pays all costs, fees, and allowances that are a lien on the building or place and files a bond in the full value of the property, to be ascertained by the court, with sureties, to be approved by the court or judge, conditioned that he will immediately abate any such nuisance that may exist at the building or place and prevent it from being established or kept thereat within a period of one year thereafter, the court, or judge may, if satisfied of his good faith, order the building or place to be delivered to the owner, and the order of abatement canceled so far as it may relate to the property.

The release of property under the provisions of this division does not release it from any judgment, lien, penalty, or liability to which it may be subject.

11587. Whenever the owner of a building or place upon which the act or acts constituting the contempt have been committed, or the owner of any interest therein, has been guilty of a contempt of court, and fined in any proceedings under this division, the fine is a lien upon the building or place to the extent of his interest in it.

The lien is enforceable and collectible by execution issued by order of the court.

#### Article 4. Registration of Controlled Substance Offenders

11590. (a) Any person who, on or after the effective date of this section, is convicted in the State of California of any offense defined in Section 11350, 11351, 11352, 11353, 11354, 11355, 11357, 11358, 11359, 11360, 11361, 11363, 11365, 11368, or 11550, or any person who is, on or after such date, discharged or paroled from a penal institution where he was confined because of the commission of any such offense, or any person who is, on or after such date, convicted in any other state of any offense which, if committed or attempted in this state, would have been punishable as one or more of the above-mentioned offenses, shall within 30 days after the effective date of this section or within 30 days of his coming into any county or city, or city and county in which he resides or is temporarily domiciled for such length of time, register with the chief of police of the city in which he resides or the sheriff of the county if he resides in an unincorporated area.

(b) Any person who, on or after the effective date of this section is convicted in any federal court of any offense which, if committed or attempted in this state would have been punishable as one or more of the offenses enumerated in subdivision (a) shall within 30 days after the effective date of this section or within 30 days of his coming into any county or city, or city and county in which he resides or is temporarily domiciled for such length of time, register with the chief police of the city in which he resides or the sheriff of the county if he resides in an unincorporated area.

(c) This section does not apply to a conviction of a misdemeanor conviction under Section 11357 or 11360.

11591. Every sheriff or chief of police, upon the arrest for any of the controlled substance offenses enumerated in Section 11590, or Section 11364, insofar as that section relates to paragraph (9) of subdivision (d) of Section 11354, of any school employee, shall do either of the following:

(1) If such school employee is a teacher in any of the public schools of this state, he shall immediately notify by telephone the superintendent of schools of the school district employing such teacher and shall immediately give written notice of the arrest to the Commission for Teacher Preparation and Licensing and to the superintendent of schools in the county wherein such person is employed. Upon receipt of such

notice, the county superintendent of schools shall immediately notify the governing board of the school district employing such person.

(2) If such school employee is a nonteacher in any of the public schools of this state, he shall immediately notify by telephone the superintendent of schools of the school district employing such nonteacher and shall immediately give written notice of the arrest to the governing board of the school district employing such person.

(3) If such school employee is a teacher in any private school of this state, he shall immediately notify by telephone the private school authority employing such teacher and shall immediately give written notice of the arrest to the private school authority employing such teacher.

11592. Any person who, on or after the effective date of this section is discharged or paroled from a jail, prison, school, road camp, or other institution where he was confined because of the commission or attempt to commit one of the offenses described in Section 11590 shall, prior to such discharge, parole, or release, be informed of his duty to register under that section by the official in charge of the place of confinement and the official shall require the person to read and sign such form as may be required by the Department of Justice, stating that the duty of the person to register under this section has been explained to him. The official in charge of the place of confinement shall obtain the address where the person expects to reside upon his discharge, parole, or release and shall report such address to the Department of Justice. The official in charge of the place of confinement shall give one copy of the form to the person, and shall send two copies to the Department of Justice, which, in turn, shall forward one copy to the appropriate law enforcement agency having local jurisdiction where the person expects to reside upon his discharge, parole, or release.

11593. Any person who, on or after the effective date of this section is convicted in the State of California of the commission or attempt to commit any of the above-mentioned offenses and who is released on probation or discharged upon payment of a fine shall, prior to such release or discharge, be informed of his duty to register under Section 11590 by the court in which he has been convicted and the court shall require the person to read and sign such form as may be required by the Department of Justice, stating that the duty of the person to register under this section has been explained to him. The court shall obtain the address where the person expects to reside upon his release or discharge and shall report within three days such address to the Department of Justice. The court shall give one copy of the form to the person, and shall send two copies to the Department of Justice, which, in turn, shall forward one copy to the appropriate law enforcement agency having local jurisdiction where the person expects to reside upon his discharge, parole, or release.

11594. The registration required by Section 11590 shall consist of (a) a statement in writing signed by such person, giving such information as may be required by the Department of Justice, and (b) the fingerprints and photograph of such person. Within three days thereafter the

registering law enforcement agency shall forward such statement, fingerprints and photograph to the Department of Justice.

If any person required to register hereunder changes his residence address he shall inform, in writing within 10 days, the law enforcement agency with whom he last registered of his new address. The law enforcement agency shall, within three days after receipt of such information, forward it to the Department of Justice. The Department of Justice shall forward appropriate registration data to the law enforcement agency having local jurisdiction of the new place of residence.

All registration requirements set forth in this article shall terminate five years after the discharge from prison, release from jail or termination of probation or parole of the person convicted. Nothing in this section shall be construed to conflict with the provisions of Section 1203.4 of the Penal Code concerning termination of probation and release from penalties and disabilities of probation.

Any person required to register under the provisions of this section who shall knowingly violate any of the provisions thereof is guilty of a misdemeanor.

The statements, photographs and fingerprints herein required shall not be open to inspection by the public or by any person other than a regularly employed peace or other law enforcement officer.

11595. The provisions of former Article 6 (commencing with Section 11850) of Chapter 7 of Division 10 of this code, which is repealed by the act that adds this article, including Section 11850 as amended by Chapter 796 of the Statutes of 1972, shall remain in effect as to any person who comes within such provisions.

Notwithstanding Section 9605 of the Government Code, the changes which are made in former Section 11850 by Chapter 796 of the Statutes of 1972 shall be effective and operative for the purposes of this section.

## CHAPTER 11. EDUCATIONAL PROGRAMS

11600. The Attorney General, the Board of Pharmacy, and other agencies shall carry out educational programs designed to prevent and deter misuse and abuse of controlled substances. In connection with these programs, he may do all of the following:

(a) Promote better recognition of the problems of misuse and abuse of controlled substances within the regulated industry and among interested groups and organizations.

(b) Assist the regulated industry and interested groups and organizations in contributing to the reduction of misuse and abuse of controlled substances.

(c) Consult with interested groups and organizations to aid them in solving administrative and organizational problems.

(d) Assist in the education and training of state and local law enforcement officials in their efforts to control misuse and abuse of controlled substances.

abuse of controlled substances. In connection with the research, and in furtherance of the enforcement of this division, he may do all of the following:

(a) Develop new or improved approaches, techniques, systems, equipment and devices to strengthen the enforcement of this division.

(b) Enter into contracts with public agencies, institutions of higher education, and private organizations or individuals for the purpose of conducting demonstrations or special projects which bear directly on misuse and abuse of controlled substances.

11602. The Attorney General may enter into contracts for educational and research activities without performance bonds.

11603. The Attorney General, with the approval of the Research Advisory Panel, may authorize persons engaged in research on the use and effects of controlled substances to withhold the names and other identifying characteristics of individuals who are the subjects of the research. Persons who obtain this authorization are not compelled in any civil, criminal, administrative, legislative, or other proceeding to identify the individuals who are the subjects of research for which the authorization was obtained.

11604. The Attorney General, with the approval of the Research Advisory Panel, may authorize the possession and distribution of controlled substances by persons engaged in research. Persons who obtain this authorization are exempt from state prosecution for possession and distribution of controlled substances to the extent of the authorization.

## CHAPTER 12. STATE OFFICE OF NARCOTICS AND DRUG ABUSE

11640. The Legislature hereby finds and declares that it is essential to the health and welfare of the people of this state that action be taken by state government to effectively and economically utilize federal and state funds for narcotic and drug abuse prevention, care, treatment and rehabilitation services. To achieve this, it is necessary that:

(a) Existing fragmented, uncoordinated, and duplicative narcotic and drug abuse programs be molded into a comprehensive and integrated statewide program for the prevention of narcotic and drug abuse and for the care, treatment, and rehabilitation of narcotic addicts and drug abusers.

(b) Responsibility and authority for planning programs and activities for prevention, care, treatment, and rehabilitation of narcotic addicts be concentrated in one agency. It is hereby declared to be the intent of the Legislature to assign responsibility and grant authority for planning narcotic and drug abuse prevention, care, treatment, and rehabilitation programs to a state agency whose functions shall be subject to periodic review by the Legislature and appropriate federal agencies.

11641. There is in the Health and Welfare Agency the State Office of Narcotics and Drug Abuse. This office shall be under the control of an executive officer known as the director. The director shall be appointed

by, and hold office at the pleasure of, the Governor.

11642. The director may appoint:

(a) An assistant director.

(b) Such other employees as may be necessary for the proper discharge of the duties of his office.

11643. The duties of the State Office of Narcotics and Drug Abuse are:

(a) To coordinate state and local narcotic and drug abuse preventive, care, treatment, and rehabilitation programs.

(b) Consult with state and local health planning bodies and encourage and promote effective use of facilities, resources, and funds in the development of integrated, comprehensive local programs for the prevention, care, treatment, and rehabilitation of narcotics and drug abuse.

(c) Develop and implement a comprehensive and uniform plan for the prevention, care, treatment, and rehabilitation of narcotics and drug abuse throughout the state.

(d) Consult with federal, state, and local agencies involved in the provision and delivery of services of prevention, care, treatment, and rehabilitation of narcotics and drug abuse.

(e) Provide technical assistance, guidance, and information to local governments and state agencies with respect to the creation and implementation of programs and procedures for dealing effectively with narcotics and drug abuse prevention, care, treatment, and rehabilitation.

(f) Establish goals and priorities for all state agencies providing narcotic and drug abuse services. All state governmental units operating drug programs or administering or subventing state or federal funds for drug programs shall annually set their program priorities and allocate funds in coordination with the State Office of Narcotics and Drug Abuse.

(g) Identify, in conjunction and cooperation with the Department of Finance, all funds made available to the state by the federal government, the state, public agencies, and other sources which can be used in the prevention, care, treatment, and rehabilitation of narcotics and drug abuse.

(h) In the same manner and subject to the same conditions as other state agencies, develop and submit annually to the Department of Finance a program budget for the statewide narcotics and drug abuse program, including not only expenditures proposed to be made under this division, but also expenditures proposed to be made under any related program or by any other state agency, incidental to the prevention, control, and treatment of narcotics and drug abuse. The office may require state departments to contract with it for services to carry out provisions of this division.

(i) To coordinate all narcotic and drug abuse services and related programs conducted by state agencies with the federal government, and shall ensure that there is no duplication of such programs among state agencies and that all agreements, contracts, plans, and programs proposed to be submitted by any such agency, other than the Regents of the University of California, to the federal government in relation to narcotic

and drug abuse related problems shall first be submitted to the State Office of Narcotics and Drug Abuse for review and approval.

(j) To enter into such agreements and contracts with any person, agency, corporation, or other legal entity and such other actions as are necessary to carry out the purposes of this division. The office may require state departments to contract with it for services to carry out the provisions of this division.

(k) To accept and expend grants, gifts, and legacies of money, and with the consent of the Department of Finance, to accept, manage, and expend grants, gifts, and legacies of other properties in furtherance of the purposes of this division.

11645. Notwithstanding any other provision of law, the State Department of Health may provide advance payment of federal funds, to the extent permitted by the federal contract with the State Office of Narcotics and Drug Abuse and the interagency agreement between the state office and the state department, to private nonprofit or county drug abuse treatment and prevention programs which are under subcontract with the state department or which are under Division 5 (commencing with Section 5000) of the Welfare and Institutions Code.

#### CHAPTER 13. MISCELLANEOUS.

11650. (a) Prosecution for any violation of law occurring prior to effective date of this division is not affected or abated by this division. If the offense being prosecuted is similar to one set out in Chapter 5 (commencing with Section 11350) of this division, then the penalties under Chapter 5 (commencing with Section 11350) apply if they are less than those under prior law.

(b) Civil seizures or forfeitures and injunctive proceedings commenced prior to effective date of this division are not affected by this division.

(c) All administrative proceedings pending under prior laws which are superseded by this division shall be continued and brought to a final determination in accord with the laws and rules in effect prior to effective date of this division. Any substance controlled under prior law which is not listed within Schedules I through V, is automatically controlled without further proceedings and shall be listed in the appropriate schedule.

(d) This division applies to violations of law, seizures and forfeiture, injunctive proceedings, administrative proceedings and investigations which occur on or after the effective date of this division.

11651. Any orders and regulations promulgated pursuant to any law affected by this division shall have effect on the effective date of this division, not in conflict with laws which continue in effect until modified, superseded, or repealed.

### EXCERPTS FROM CALIFORNIA WELFARE AND INSTITUTIONS CODE RELATING TO DRUG ADDICTS

#### Division 3. Narcotic Addicts

#### CHAPTER 1. COMMITMENT AND TREATMENT OF NARCOTIC ADDICTS

#### Article 1. Administration

3000. It is the intent of the Legislature that persons addicted to narcotics, or who by reason of repeated use of narcotics are in imminent danger of becoming addicted, shall be treated for such condition and its underlying causes, and that such treatment shall be carried out for nonpunitive purposes not only for the protection of the addict, or person in imminent danger of addiction, against himself, but also for the prevention of contamination of others and the protection of the public. Persons committed to the program provided for in this chapter who are uncooperative with efforts to treat them or are otherwise unresponsive to treatment nevertheless should be kept in the program for purposes of control. It is the further intent of the Legislature that persons committed to this program who show signs of progress after an initial or subsequent periods of treatment and observation be given reasonable opportunity to demonstrate ability to abstain from the use of narcotics under close supervision in outpatient status outside of the rehabilitation center provided for in Chapter 2 (commencing with Section 3300) of this division. Determinations of progress of persons committed to the program should be based upon criteria to be established by the Director of Corrections with the advice of clinically trained and experienced personnel.

The enactment of the preceding provisions of this section shall not be construed to be evidence that the intent of the Legislature was otherwise before such enactment.

3001. The narcotic detention, treatment and rehabilitation facility referred to herein shall be one within the Department of Corrections whose principal purpose shall be the receiving, control, confinement, employment, education, treatment and rehabilitation of persons under the custody of the Department of Corrections or any agency thereof who are or have been addicted to narcotics or who by reason of repeated use of narcotics are in imminent danger of becoming addicted.

3002. Every person committed pursuant to this chapter or from Chapter 11 (commencing with Section 6359) of Title 7 of the Penal Code who escapes or attempts to escape from lawful custody is guilty of a crime punishable by imprisonment in the state prison. This section does not apply to unauthorized absence from a halfway house.

3003. The Director of Corrections may enter into agreements with

of narcotics in imminent danger of addiction, further proceedings shall be conducted in compliance with Sections 3104, 3105, 3106, and 3107.

If, after a hearing, the judge finds that the defendant is a narcotic addict, or is by reason of the repeated use of narcotics in imminent danger of becoming addicted to narcotics, he shall make an order committing such person to the custody of the Director of Corrections for confinement in the facility until such time as he is discharged pursuant to Article 5 of this chapter, except as this chapter permits earlier discharge. In any case to which Section 3052 applies, the judge may request the district attorney to investigate the facts relevant to the advisability of commitment pursuant to this section. In unusual cases, wherein the interest of justice would best be served, the judge may, with the concurrence of the district attorney and defendant, order commitment notwithstanding Section 3052. If, upon the hearing, the judge shall find that the defendant is not a narcotic addict and is not in imminent danger of becoming addicted to narcotics, he shall so certify and return the defendant to the department of the superior court which directed the filing of the petition for such further proceedings on the criminal charges as the judge of such department deems warranted.

If a person committed pursuant to this section is dissatisfied with the order of commitment he may within 10 days after the making of such order file a written demand for a jury trial in compliance with Section 3108.

3052. (a) Sections 3050 and 3051 shall not apply to persons convicted of, or who have been previously convicted of murder, assault with intent to commit murder, attempt to commit murder, kidnapping, robbery, burglary in the first degree, mayhem, a violation of Section 245 or a violation of any provision of Chapter 1 (commencing with Section 261) of Title 9 of Part 1 of the Penal Code (but excepting subdivision 1 of Section 261) any felonies involving bodily harm or attempt to inflict bodily harm or any offense set forth in Article 1 (commencing with Section 11500) or 2 (commencing with Section 11530) of Chapter 5 of Division 10 of the Health and Safety Code, or in Article 4 (commencing with Section 11710) of Chapter 7 of such Division 10 for which the minimum term prescribed by law is more than five years in state prison.

(b) Notwithstanding the provisions of subdivision (a) of this section or Section 3053, the fact a person comes within Section 1203.07 P.C. does not mean that he may not be committed and treated.

3053. If at any time following receipt at the facility of a person committed pursuant to this article, the Director of Corrections concludes that the person, because of excessive criminality or for other relevant reason, is not a fit subject for confinement or treatment in such narcotic detention, treatment and rehabilitation facility, he shall return the person to the court in which the case originated for such further proceedings on the criminal charges as that court may deem warranted.

3054. A person committed to the custody of the Director of Corrections pursuant to this article is not required to register pursuant to

Article 6 (commencing with Section 11850) of Chapter 7, Division 10 of the Health and Safety Code.

### Article 3. Involuntary Commitment of Persons Not Charged With a Crime

3100. Anyone who believes that a person is addicted to the use of narcotics or by reason of the repeated use of narcotics is in imminent danger of becoming addicted to their use or any person who believes himself to be addicted or about to become addicted may report such belief to the district attorney, under oath, who may, when there is probable cause, petition the superior court for a commitment of such person to the Director of Corrections for confinement in the narcotic detention, treatment and rehabilitation facility. As used in this article the term "person" includes any person who is released on probation by any court of this state.

3100.6. Any peace officer or health officer who has reasonable cause to believe that a person is addicted to the use of narcotics or by reason of the repeated use of narcotics is in imminent danger of becoming addicted to their use may take the person, for his best interest and protection, to the county hospital or other suitable medical institution designated by the board of supervisors of the county.

Upon written application of the peace officer or health officer, the physician or superintendent in charge of the designated hospital or institution may admit the person believed to be addicted to the use of narcotics or in imminent danger of becoming addicted to their use. The application shall state the circumstances under which the person's condition was called to the officer's attention, shall state the date, time and place of taking the person into custody and shall state the facts upon which the officer has reasonable cause to believe that the person is addicted to the use of narcotics or by reason of the repeated use of narcotics is in imminent danger of becoming addicted to their use. The application shall be signed by the officer, and a copy of the application shall be presented to the person prior to his admittance to the hospital or institution.

Within 24 hours of admittance, a physician shall conduct an examination to determine whether the person is addicted to the use of narcotics or by reason of the repeated use of narcotics is in imminent danger of becoming addicted to their use and may provide the person with medical aid as necessary to ease any symptoms of withdrawal from the use of narcotics.

If, after examination, the physician does not believe that the person is addicted to the use of narcotics or by reason of the repeated use of narcotics is in imminent danger of becoming addicted to their use, he shall immediately report his belief to the physician or superintendent in charge of the hospital or institution, who shall discharge the person immediately.

If, after examination, the physician believes that further examination is necessary to determine whether the person is addicted to the use of narcotics or by reason of the repeated use of narcotics is in imminent danger of addiction to their use, he shall prepare an affidavit which states

Section 3050, 3051, 3100.6 or 3102, who shall testify as to the result of the examination, unless the presence of the physicians is waived and it is stipulated that their affidavit or report may be received in evidence.

3106.5. If the court determines that the person is not addicted to the use of narcotics, or in imminent danger of addiction, the petition shall be denied. If the court determines that the person is addicted to the use of narcotics or is by reason of the repeated use of narcotics in imminent danger of addiction, the court shall order the person committed to the custody of the Director of Corrections, until such time as he is discharged in accordance with Article 5 of this chapter, except as provided in Section 3109.

3107. Hearing may be waived by consent of the person, expressed in open court or in writing by the person after the arraignment required by Section 3104 and after consultation with counsel.

3108. If the person so committed or any friend in his behalf is dissatisfied with the order of commitment, he may within 10 days after the making of such order, file a written demand that the question of his addiction or imminent danger of addiction be tried by a jury in the superior court of the county in which he was committed. Thereupon, the court shall cause a jury to be summoned and to be in attendance at a date stated, not less than 4 days nor more than 30 days from the date of the demand for a jury trial. The court shall submit to the jury the question: Is the person addicted to the use of narcotics or is he by reason of the repeated use of narcotics in imminent danger of addiction? The order of commitment entered pursuant to Sections 3050, 3051, or 3106.5 shall not be read to the jury, nor alluded to in such trial. The trial shall be had as provided by law for the trial of civil cases and the petition shall be dismissed unless a verdict that the person is addicted or in imminent danger of addiction is found by at least three-fourths of the jury.

The person committed shall be awarded all his constitutional rights including, but not limited to, his right to counsel, his right to notice of the nature of the proceedings brought against him, his right to the process of the court to compel the attendance of witnesses in his behalf, and his right to be confronted with witnesses.

3109. If at any time following receipt at the facility of a person committed pursuant to this article, the Director of Corrections concludes that such person is not, because of excessive criminality or for other relevant reason, a fit subject for confinement or treatment in a facility of the Department of Corrections, he may order such person discharged.

3110. A person committed to the custody of the Director of Corrections pursuant to this article is not required to register pursuant to Article 6 (commencing with Section 11850) of Chapter 7, Division 10 of the Health and Safety Code.

3111. In the performance of acts and duties required by this article,

as is provided for public officers in Sections 820.2 and 821.6 of the Government Code.

#### Article 4. Release in Outpatient Status

3150. (a) There is in the state government a Narcotic Addict Evaluation Authority, hereafter referred to in this article as the "authority." The authority shall be composed of four members, each of whom shall be appointed by the Governor, for a term of four years and until the appointment and qualification of his successor. Members shall be eligible for reappointment. The chairman of the authority shall be designated by the Governor from time to time. The terms of the members first appointed to the authority shall expire as follows: one on January 15, 1965, one on January 15, 1966, one on January 15, 1967, and one on January 15, 1968. Their successors shall hold office for terms of four years, each term to commence on the expiration date of the term of the predecessor. The Governor shall fill every vacancy for the balance of the unexpired term. Insofar as practicable, persons appointed to the authority shall have a broad background in law, sociology, law enforcement, medicine, or education, and shall have a deep interest in the rehabilitation of narcotic addicts.

(b) Each member of the authority shall devote such time to the duties of his office as required for performance of his duties and shall be entitled to an annual salary of nine thousand five hundred dollars (\$9,500) for attendance upon business of the authority. The chairman shall be entitled to an annual salary of ten thousand dollars (\$10,000). In addition, each member shall be allowed actual expenses incurred in the discharge of his duties, including travel expenses.

(c) The authority shall maintain its headquarters at the California Rehabilitation Center and shall be provided with necessary office space, equipment and services from funds appropriated to the California Rehabilitation Center.

(d) The authority shall meet at the center or its branches at such times as may be necessary for a full and complete study of the cases of all patients who are certified by the Director of Corrections to the authority as having recovered from addiction or imminent danger of addiction to such an extent that release in an outpatient status is warranted. Other times and places of meetings may also be fixed by the authority. Where the authority performs its functions by meeting en banc in either public or executive sessions to decide matters of general policy, at least three members shall be present, and no such action shall be valid unless it is concurred in by a majority vote of those present. The authority may meet and transact business in panels. Each authority panel shall consist of at least two members of the authority. Two members of the authority shall constitute a quorum for the transaction of business of a panel. No action shall be valid unless concurred in by a majority of the members present.

(e) Members of other similar boards may be assigned to hear cases and make recommendations to the authority. Such recommendations shall be in accordance with the policies established by a majority of the members

membership of the authority.

3151. After an initial period of observation and treatment of six months, and subject to the rules and policies established by the Director of Corrections, whenever a person committed under Article 2 or Article 3 of this chapter has recovered from his addiction or imminent danger of addiction to such an extent that, in the opinion of the Director of Corrections, release in an outpatient status is warranted, the director shall certify such fact to the authority. If the director has not so certified within the preceding 12 months, in the anniversary month of the commitment of any person committed under this chapter his case shall automatically be referred to the authority for consideration of the advisability of release in outpatient status. Upon any such certification by the director or such automatic certification, the authority may release such person in an outpatient status subject to all rules and regulations adopted by the authority and subject to all conditions imposed by the authority, whether of general applicability or restricted to the particular person released in outpatient status, and subject to being retaken and returned to inpatient status as prescribed in such rules, regulations, or conditions. The supervision of such persons while in an outpatient status shall be administered by the Department of Corrections. Such persons are not subject to the provisions of Penal Code Section 2600.

A single member of the authority may by written or oral order suspend the release in outpatient status of such a person and cause him to be retaken, until the next meeting of the authority. The written order of any member of the authority shall be a sufficient warrant for any peace officer to return such persons to physical custody.

It is hereby made the duty of all peace officers to execute any such order in like manner as ordinary criminal process.

3152. The rules for persons in outpatient status shall include but not be limited to close supervision of the person after release from the facility, periodic and surprise testing for narcotic use, counseling and return to inpatient status at the California Rehabilitation Center or its branches at the discretion of the authority, if from the reports of agents of the Department of Corrections or other information including reports of law enforcement officers as to the conduct of the person, the authority concludes that it is for the best interests of the person and society that this be done.

3153. The Director of Corrections is authorized to establish one or more halfway houses in large metropolitan areas as pilot projects in order to determine the effectiveness of such control on the addict's rehabilitation, particularly upon his release from the narcotic detention and treatment facility. Rules and regulations governing the operation of such halfway houses shall be established by the Director of Corrections and shall provide for control of the earnings of persons assigned to such halfway houses during their residence there, from which shall be deducted such charges for maintenance as the Director of Corrections may prescribe.

3154. A person released in an outpatient status from the California Rehabilitation Center may, with the approval of the Department of Corrections and the Narcotic Addict Evaluation Authority, voluntarily participate in a methadone maintenance project approved under Section 4351.

Participation in a methadone maintenance project shall not be construed to break the abstention from the use of narcotics for the purpose of Section 3200.

3155. In addition to any other payment to which he is entitled by law, each person who has been committed to the custody of the Director of Corrections pursuant to this chapter shall, upon his release, be paid the sum of two hundred dollars (\$200), from such appropriations that may be made available for the purposes of this section.

The director may prescribe rules and regulations (a) to limit or eliminate any payments provided for in this section to persons who have not been confined at least six consecutive months prior to their release in instances where the director determines that such a payment is not necessary for the rehabilitation of the prisoner, and (b) to establish procedures for the payment of the sum of the two hundred dollars (\$200) within the first 60 days of a prisoner's release.

The provisions of this section shall not be applicable if the person is released to the custody of another state or to the custody of the federal government.

#### Article 5. Discharge of Narcotic Addicts

3200. If at any time the Director of Corrections is of the opinion that a person committed pursuant to Article 3 of this chapter while in outpatient status has abstained from the use of narcotics for at least two consecutive years and has otherwise complied with the conditions of his release, or that an outpatient from the California Rehabilitation Center participating in a methadone program pursuant to Section 3154 has abstained from the use of narcotics for at least three consecutive years while on such program and has otherwise complied with the conditions of his release, he shall recommend to the Narcotic Addict Evaluation Authority that such person be discharged from the program. If the authority concurs in the opinion of the director, it shall discharge such person from the program.

If at any time the director is of the opinion that a person committed pursuant to Article 2 of this chapter while in outpatient status has abstained from the use of narcotics for at least two consecutive years and has otherwise complied with the conditions of his release, or that an outpatient from the California Rehabilitation Center participating in a methadone program pursuant to Section 3154 has abstained from the use of narcotics for at least three consecutive years while on such program and has otherwise complied with the conditions of his release, he shall so advise the Narcotic Addict Evaluation Authority. If the authority concurs in the opinion of the director it may file with the superior court of the county

in which the person was committed a certificate alleging such facts and recommending to the court the discharge of the person from the program. The authority shall serve a copy of such certificate upon the district attorney of the county. Upon the filing of such certificate, the court shall discharge the person from the program and may dismiss the criminal charges of which such person was convicted. Where such a person was certified to the superior court from a municipal or justice court, the person shall be returned to such court, which may dismiss the original charges. In any case where the criminal charges are not dismissed and the person is sentenced thereon, time served while under commitment pursuant to Article 2 of this chapter shall be credited on such sentence. Such dismissal shall have the same force and effect as a dismissal under Section 1203.4 of the Penal Code, except the conviction is a prior conviction for purposes of Division 16 of the Health and Safety Code.

This section shall apply to persons convicted pursuant to the provisions of Section 1203.07 of the Penal Code, whether or not such person is on inpatient or outpatient status with the California Rehabilitation Center, if such person has been committed for a minimum period of 20 months.

3201. If a person committed pursuant to this chapter has not been discharged from the program prior to expiration of seven years, the Director of Corrections shall, on the expiration of such period, return him to the court from which he was committed, which court shall discharge him from the program and order him returned to the court in which criminal proceedings were adjourned, or the imposition of sentence suspended, prior to his commitment or certification to the superior court; or, if he was committed pursuant to Article 3, shall discharge him. If, however, it appears to the director that such person gives promise that, if his time on the program were extended, he could complete three consecutive years of abstinence from narcotics, the director shall return him to the court from which he was committed, with the recommendation that an extension not to exceed three years be ordered. The court may order such extension. If it declines to do so, it shall, if the person was committed pursuant to Article 3, discharge him, or, if he was committed pursuant to Article 2, return the person to the court in which criminal proceedings were adjourned, or the imposition of sentence suspended, prior to his commitment or certification to the superior court.

If an extension of the commitment is ordered pursuant to the preceding provisions of this section, the person must be returned to the court and discharged from the program on or before the expiration of 10 years from the date of the original commitment.

Any other provision of this chapter notwithstanding, in any case in which a person was committed pursuant to Article 3 as a result of such person's having requested the district attorney to file a petition for his commitment, such person must be discharged no later than two years and six months after his commitment.

No person committed pursuant to Chapter 11 (commencing with Section 6399) of Title 7 of Part 3 of the Penal Code, before the effective

any longer period than the term of his commitment under the law as it read at the time he was committed.

Nothing in this chapter shall preclude a person who has been discharged from the program from being recommitted under the program, irrespective of the periods of time of any previous commitments.

## CHAPTER 2. CALIFORNIA REHABILITATION CENTER

3300. There is hereby established an institution and branches under the jurisdiction of the Department of Corrections, to be known as the California Rehabilitation Center. Branches may be established in existing institutions of the Department of Corrections or of the Department of the Youth Authority, in halfway houses as described in Section 3153, in such other facilities as may be made available on the grounds of other state institutions, and in city and county correctional facilities where treatment facilities are available. Branches shall not be established on the grounds of such other institutions in any manner which will result in the placement of patients of such institutions into inferior facilities. Branches placed in a facility of the State Department of Health shall have prior approval of the Director of Health. The branches in the Department of the Youth Authority shall be established on order of the Secretary of the Human Relations Agency and shall be subject to the administrative direction of the Director of the Youth Authority. Branches placed in city or county facilities shall have prior approval of the legislative body of the city or county.

Persons confined pursuant to this section in branches established in city and county correctional facilities shall be housed separately from the prisoners therein, and shall be entitled to receive treatment substantially equal to that which would be afforded such persons if confined in the main institution of the California Rehabilitation Center.

3301. The principal purpose of the California Rehabilitation Center shall be the receiving control, confinement, employment, education, treatment and rehabilitation of persons under the custody of the Department of Corrections or any agency thereof who are addicted to the use of narcotics or are in imminent danger of becoming so addicted.

3302. The Director of Corrections shall acquire, or construct, and equip, in accordance with law, suitable buildings, structures and facilities for the California Rehabilitation Center.

3303. The Director of Corrections shall make rules and regulations for the government of the California Rehabilitation Center and the management of its affairs.

3304. A superintendent shall be appointed for the California Rehabilitation Center pursuant to Section 6050 of the Penal Code, and the Director of Corrections shall appoint, subject to civil service, such other officers and employees as may be necessary.

Rehabilitation Center and the responsibility for the care, custody, training, discipline, employment and treatment of the persons confined therein are vested in the Director of Corrections. The provisions of Part 3 of the Penal Code apply to said institution as a prison under the jurisdiction of the Department of Corrections and to the persons confined therein insofar as such provisions may be applicable.

3306. The Director of Corrections may authorize the temporary removal from the California Rehabilitation Center or any of its branches under the jurisdiction of the Department of Corrections of any person confined therein. The director may require that such temporary removal be under custody. Unless the person is removed for medical treatment, the removal shall not be for a period longer than three days. The director may require the person to reimburse the state, in whole or in part, for expenses incurred by the state in connection with such temporary removal other than for medical treatment.

Under specific regulations established by the director for the selection of confined persons, the director may authorize assignment to conservation camp programs.

## EXCERPTS FROM CALIFORNIA VEHICLE CODE RELATING TO DRUG ADDICTS

### 12805. Grounds requiring refusal of license

The department shall not issue or renew a driver's license to any person:

- (a) Who is not of legal age to receive such license.
- (b) Who, because of excessive and continuous use of alcoholic liquors, is incapable of safely operating a motor vehicle, or who is addicted to the use of, or is an habitual user of, any drug to a degree that the person is rendered incapable of safely operating a motor vehicle.
- (c) Who is insane or feebleminded or an idiot or an imbecile.
- (d) Who has a disorder characterized by lapses of consciousness.
- (e) Who is unable as shown by examination to understand traffic signs or signals or who does not have a reasonable knowledge of the provisions of this code governing the operations of vehicles upon the highways.
- (f) When it appears by examination or other evidence that such person is unable to operate a motor vehicle upon a highway safely because of physical or mental defect or lack of skill.
- (g) Who is unable to read and understand simple English used in highway traffic and directional signs. The provisions of this subdivision shall not apply to any person holding an operator's or chauffeur's license issued by this state and valid on September 11, 1957.
- (h) Who holds a valid driver's license issued by a foreign jurisdiction unless he surrenders that license to the department.
- (i) Who has ever held, or is the holder of a license to drive issued by another state, territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico, and such license has been suspended by reason, in whole or in part, of a conviction of a traffic violation until the suspension period has terminated, except as provided in subdivision (b) of Section 12806.
- (j) Who has ever held, or is the holder of a license to drive issued by another state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico, and such license has been revoked by reason, in whole or in part, of a conviction of a traffic violation until the revocation has been terminated or after the expiration of one year from the date the license was revoked, whichever occurs first, except as provided in subdivision (b) of Section 12806.

### 12806. Grounds not requiring refusal

(a) Any physical or mental defect of the applicant which in the opinion of the department does not affect the applicant's ability to exercise reasonable and ordinary control in operating a motor vehicle upon the highway shall not prevent the issuance of a license to the applicant.

(b) An applicant addicted to the use of narcotic drugs who is participating in a methadone maintenance program approved pursuant to Article 3 (commencing with Section 4350) of Chapter 3 of Part 1 of Division 4 of the Welfare and Institutions Code shall not be considered

subject to reasonable terms and conditions of probation if such drug usage does not affect the applicant's ability to exercise reasonable and ordinary control in operating a motor vehicle upon the highway.

(c) Any suspension or revocation by a state which is not a party to the Driver License Compact provided for in Chapter 6 (commencing with Section 15000) of Division 6 shall not prevent the issuance of a license to the applicant if in the opinion of the department it will be safe to issue such license.

#### 12807. Additional grounds for refusal

The department shall not issue or renew a driver's license to any person:

(a) When a license previously issued to the person under this code has been suspended until the expiration of the period of the suspension, unless cause for suspension has been removed.

(b) When a license previously issued to the person under this code has been revoked until the expiration of one year after the date of the revocation, except where a different period of revocation is prescribed by this code, or unless the cause for revocation has been removed.

(c) When the department has received a notice pursuant to subdivision (a) of Section 40509, unless the department has received a certificate as provided in that subdivision.

(d) When the department has been notified by a court that the licensee has failed to pay a lawfully imposed fine within the time authorized by the court for any violation which is required to be reported pursuant to Section 1803.

#### 12809. Grounds permitting refusal

The department may refuse to issue or renew a driver's license to any person:

(a) If the department is satisfied that the applicant is not entitled to the license under this code.

(b) If the applicant has failed to furnish the department the information required in the application or reasonable additional information requested by the department.

(c) If the department determines that the applicant has made or permitted unlawful use of any driver's license.

(d) If the department determines that such person has knowingly used a false or fictitious name in any application for a license or has impersonated another in making application or in taking any test, or has knowingly made a false statement or knowingly concealed a material fact, or otherwise committed any fraud in any such application.

(e) If the department determines that the applicant is a negligent or incompetent operator of a motor vehicle.

(f) If the applicant is convicted of any offense involving the transportation for purpose of sale, or the transportation for compensation,

Division 10 (commencing with Section

involved the use or operation of a motor vehicle.

If, however, the driving privilege of the applicant is on probation for a cause related to the use or possession of a narcotic controlled substance, the department may refuse to issue or renew a driver's license to such applicant if the applicant is subsequently convicted of any offense involving the use or possession of a narcotic controlled substance, whether or not the commission of such offense involved the use or operation of a motor vehicle.

The maximum period of time for which the department may refuse to issue or renew a driver's license to any person pursuant to this subdivision shall be three years from the date of conviction.

(g) If the applicant fails or refuses to surrender to the department upon its lawful demand, a nonresident minor's certificate which has been canceled.

#### 12810. Traffic violation point count and negligent operation defined

In determining the violation point count, any conviction of failure to stop in the event of an accident resulting in damage to property or otherwise failing to comply with the requirements of Section 20002, or driving a motor vehicle while under the influence of intoxicating liquor or any drug, or under the combined influence of intoxicating liquor and any drug, or of reckless driving shall be given a value of two points and any other traffic conviction involving the safe operation of a motor vehicle upon the highway shall be given a value of one point; provided, that conviction for only one violation arising from one occasion of arrest or citation shall be counted in determining the violation point count for the purposes of this section.

Any person whose driving record shows a violation point count of four or more points in 12 months, six or more points in 24 months or eight or more points in 36 months shall be prima facie presumed to be a negligent operator of a motor vehicle.

Any accident in which the operator is deemed by the department to be responsible shall be given a value of one point.

In applying the provisions of this section to a driver, the department shall give due consideration to the amount of use or mileage traveled in the operation of a motor vehicle.

#### 13201. Certain misdemeanors and drug use

A court may suspend the privilege of any person to operate a motor vehicle, for a period not exceeding six months, upon conviction of any of the following offenses:

(a) Failure of the driver of a vehicle involved in an accident to stop or otherwise comply with the provisions of Section 20002.

(b) Reckless driving proximately causing bodily injury to any person under Section 20104.

(c) Failure of the driver of a vehicle to stop at a railway grade crossing

(d) Driving while addicted to the use, or under the influence of, any drug under subdivisions (a) or (c) of Section 23105.

#### 13201.5 Driving while under the influence

A court may suspend the privilege of any person to operate a motor vehicle, for a period not exceeding six months, upon conviction of driving while under the influence of intoxicating liquor or under the combined influence of intoxicating liquor and any drug.

#### 13202. Illegal narcotics

(a) A court may suspend or order that the department revoke in which case the department shall revoke the privilege of any person to operate a motor vehicle upon conviction of any narcotic controlled substance offense as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code when the use of a motor vehicle was involved in, or incidental to, the commission of the offense.

(b) A court shall order that the department revoke and the department shall revoke the privilege of any person to operate a motor vehicle upon conviction of a violation of Section 11350, 11351, 11352, 11353, 11357, 11359, 11360, or 11361 of the Health and Safety Code when a motor vehicle was involved in, or incidental to, the commission of such offense.

(c) The period of time for suspension or the period after revocation during which the person may not apply for a license shall be determined by the court, but in no event shall such period exceed three years from the date of conviction.

#### 13209. Record of prior conviction

Before sentencing a person upon a conviction of driving a motor vehicle while under the influence of intoxicating liquor or any drug, or under the combined influence of intoxicating liquor and any drug, other than under Section 23101 or 23106, the court shall obtain from the department a record of any prior convictions of that person for traffic violations. The department shall furnish such record upon the written request of the court.

Notwithstanding the provisions of Section 1449 of the Penal Code, in any such criminal action the time for pronouncement of judgment shall not commence to run until the time that the court receives the record of prior convictions from the department.

#### 13210. Procedure upon first conviction

Notwithstanding any other provision of this code, whenever any person is convicted for the first time of driving a motor vehicle while under the influence of intoxicating liquor or any drug, or under the combined influence of intoxicating liquor and any drug, other than under Section 23101 or 23106, the court shall order the department to suspend the

person's driving privilege unless the person shows good cause why such order should not be made. If the court does not order such suspension, the court may limit the person's driving privilege as a condition of probation without notifying the department of such condition.

#### 13352. Influence of liquor or drugs

The department shall, except for a conviction or finding described in subdivision (a) where the court does not order the department to suspend, immediately suspend or revoke the privilege of any person to operate a motor vehicle upon receipt of a duly certified abstract of the record of any court showing that the person has been convicted of driving a motor vehicle while under the influence of intoxicating liquor or any drug, or while under the combined influence of intoxicating liquor and any drug, or in violation of subdivision (c) of Section 23105, or upon receipt of a report of a judge of the juvenile court, a juvenile traffic hearing officer, or a referee of a juvenile court showing that the person has been found to have committed the offense of operating a vehicle while under the influence of intoxicating liquor or any drug, or while under the combined influence of intoxicating liquor and any drug, or in violation of subdivision (c) of Section 23105. The suspension or revocation shall be as follows:

(a) Upon a first such conviction or finding, other than under Section 23101 or 23106 such privilege shall be suspended for a period of six months, if the court orders the department to suspend such privilege.

(b) Upon a first such conviction or finding under Section 23101 or 23106 such privilege shall be suspended for one year and shall not be reinstated until such person gives proof of ability to respond in damages as defined in Section 16430.

(c) Upon a second conviction or finding of driving a motor vehicle while under the influence of intoxicating liquor or any drug, or under the combined influence of intoxicating liquor and any drug, or in violation of subdivision (c) of Section 23105, or any combination of such convictions or findings within five years, such privilege shall be suspended for one year and shall not be reinstated unless and until such person gives proof of ability to respond in damages as defined in Section 16430.

(d) Upon a second such conviction or finding under Section 23101 or 23106 within three years, such privilege shall be permanently revoked.

(e) Upon a third or subsequent conviction or finding of driving a motor vehicle while under the influence of intoxicating liquor or any drug, or under the combined influence of intoxicating liquor and any drug, or in violation of subdivision (c) of Section 23105, or any combination of such convictions or findings within seven years such privilege shall be revoked and shall not be reinstated for a period of three years and until such person files proof of ability to respond in damages as defined in Section 16430.

For the purposes of subdivision (c), (d), and (e), the finding of the juvenile court judge, the juvenile traffic hearing officer, or the referee of a juvenile court, specified in the first paragraph of this section shall also be considered a conviction.

Each judge of a juvenile court, juvenile traffic hearing officer, or referee of a juvenile court shall immediately report such findings to the department.

#### 13300. Investigations by the department

The department may conduct an investigation to determine whether the privilege of any person to operate a motor vehicle should be suspended or revoked or whether terms or conditions of probation should be imposed upon receiving information or upon a showing by its records:

(a) That the licensee has been involved as a driver in any accident causing death or personal injury or serious damage to property.

(b) That the licensee has been involved in three or more accidents within a period of 12 consecutive months.

(c) That the licensee is a reckless, negligent, or incompetent driver of a motor vehicle.

(d) That the licensee has permitted an unlawful or fraudulent use of his driver's license.

(e) That any ground exists for which a license might be refused. The receipt by the department of an abstract of the record of conviction of any offense involving the use or possession of narcotic controlled substances under Division 10 (commencing with Section 11000) of the Health and Safety Code shall be a sufficient basis for an investigation by the department to determine whether grounds exist for which a license might be refused.

#### 23101. Influence of alcohol or alcohol and drugs causing death or injury

(a) It is unlawful for any person, while under the influence of intoxicating liquor, or under the combined influence of intoxicating liquor and any drug, to drive a vehicle upon a highway and when so driving do any act forbidden by law or neglect any duty imposed by law in the driving of such vehicle, which act or neglect proximately causes bodily injury to any person other than himself.

(b) It is unlawful for any person, while under the influence of intoxicating liquor, or under the combined influence of intoxicating liquor and any drug, to drive a vehicle other than on a highway and when so driving do any act, or neglect any duty imposed by law, which act or neglect proximately causes death or bodily injury to any person other than himself.

(c) Any person convicted under this section shall be punished by imprisonment in the state prison, or in the county jail for not less than 90 days nor more than one year and by fine of not less than two hundred fifty dollars (\$250) nor more than five thousand dollars (\$5,000).

#### 23102. Influence of alcohol or alcohol and drugs

(a) It is unlawful for any person who is under the influence of intoxicating liquor, or under the combined influence of intoxicating liquor

and any drug, to drive a vehicle upon any highway.

(b) It is unlawful for any person who is under the influence of intoxicating liquor, or under the combined influence of intoxicating liquor and any drug, to drive a vehicle upon other than a highway.

The department shall not be required to provide patrol or enforce the provisions of this subdivision.

(c) Any person convicted under this section shall be punished upon first conviction by imprisonment in the county jail for not less than 48 hours nor more than six months or by fine of not less than two hundred fifty dollars (\$250) nor more than five hundred dollars (\$500) or by both such fine and imprisonment. If, however, any person so convicted consents to, and does participate and successfully completes, a driver improvement program or treatment program for persons who are habitual users of alcohol, or both such programs, as designed by the court the court shall punish such person by a fine of not less than one hundred fifty dollars (\$150) nor more than five hundred dollars (\$500) or by imprisonment in the county jail for not less than 48 hours nor more than six months or by both such fine and imprisonment.

(d) Any person convicted under this section shall be punished upon second or any subsequent conviction, within five years of a prior conviction, by imprisonment in the county jail for not less than 48 hours nor more than one year and by a fine of not less than two hundred fifty dollars (\$250) nor more than one thousand dollars (\$1,000). A conviction under this section shall be deemed a second conviction if the person has previously been convicted of a violation of Section 23101.

(e) If any person is convicted of a second or subsequent offense under this section within five years of a prior conviction and is granted probation it shall be a condition of probation that such person be confined in jail for at least 48 hours but not more than one year and pay a fine of at least two hundred fifty dollars (\$250) but not more than one thousand dollars (\$1,000).

(f) In no event does the court have the power to absolve a person who is convicted of a second or subsequent offense under this section within five years of a prior conviction from the obligation of spending at least 48 hours in confinement in the county jail and of paying a fine of at least two hundred fifty dollars (\$250), except as provided in subdivision (g).

(g) Except in unusual cases where the interests of justice demand an exception, the court shall not strike a prior conviction of an offense under this section for purposes of sentencing in order to avoid imposing as part of the sentence or term of probation the minimum time in confinement in the county jail and the minimum fine, as provided in subdivision (f).

When such a prior conviction is stricken by the court for purposes of sentencing, the court shall specify the reason or reasons for such striking order.

On appeal by the people from such an order striking such a prior conviction it shall be conclusively presumed that such order was made only for the reasons specified in such order and such order shall be reversed if there is no substantial basis in the record for any of such reasons.

(h) The court may order that any person convicted under this section who is punished by imprisonment in jail, be imprisoned on days other than days of regular employment of the person, as determined by the court.

(i) If the person convicted under this section is under the age of 21 years and the vehicle used in any such violation is registered to such person, the vehicle may be impounded at the owner's expense for not less than one day nor more than 30 days.

(c) In any case, the court may order suitable treatment for the person, in addition to imposing any penalties required by this code.

#### 23105. Influence of drug or addiction

(a) It is unlawful for any person who is under the influence of any drug to drive a vehicle upon any highway.

(b) It is unlawful for any person who is under the influence of any drug to drive a vehicle upon other than a highway.

The department shall not be required to provide patrol or enforce the provisions of this subdivision.

(c) It is unlawful for any person who is addicted to the use of any drug, except such a person who is participating in a methadone maintenance treatment program approved pursuant to Article 3 (commencing with Section 4350) of Chapter 1 of Part 1 of Division 4 of the Welfare and Institutions Code, to drive a vehicle upon any highway.

(d) Any person convicted under this section shall be punished upon a first conviction by imprisonment in the county jail for not less than 48 hours nor more than six months or by fine of not less than two hundred fifty dollars (\$250) nor more than five hundred dollars (\$500) or by both such fine and imprisonment. If, however, any person so convicted consents to participate, and does participate and successfully completes, a driver improvement program or a treatment program for persons who are habitual users of drugs, or both such programs, as designated by the court, a court shall punish such person by a fine of not less than one hundred fifty dollars (\$150) nor more than five hundred dollars (\$500) or by imprisonment in the county jail for not less than 48 hours nor more than six months or by both such fine and imprisonment.

(e) Any person convicted under this section shall be punished upon a second or any subsequent conviction, within five years of a prior conviction, by imprisonment in the county jail for not less than 48 hours nor more than one year and by a fine of not less than two hundred fifty dollars (\$250) nor more than one thousand dollars (\$1,000). A conviction under this section shall be deemed a second or subsequent conviction if the person has previously been convicted of a violation of driving a vehicle while under the influence of intoxicating liquor or any drug, or under the combined influence of intoxicating liquor and any drug.

(f) If any person is convicted of a second or subsequent offense under this section within five years of a prior conviction and is granted probation, it shall be a condition of probation that such person be confined in jail for at least 48 hours but not more than one year and pay a fine of at least two hundred fifty dollars (\$250) but not more than one thousand dollars

(\$1,000).

(g) In no event does the court have the power to absolve a person who is convicted of a second or subsequent offense under this section within five years of a prior conviction from the obligation of spending at least 48 hours in confinement in the county jail and of paying a fine of at least two hundred fifty dollars (\$250) except as provided in subdivision (h).

(h) Except in unusual cases where the interests of justice demand an exception, the court shall not strike a prior conviction of an offense under this section for purposes of sentencing in order to avoid imposing as part of the sentence or term of probation the minimum time in confinement in the county jail and the minimum fine, as provided in subdivision (g).

When such a prior conviction is stricken by the court for purposes of sentencing, the court shall specify the reason or reasons for such striking order.

On appeal by the people from such an order striking such a prior conviction it shall be conclusively presumed that such order was made only for the reasons specified in such order and such order shall be reversed if there is no substantial basis in the record for any of such reasons.

(i) The court may order that any person convicted under this section who is punished by imprisonment in jail, be imprisoned on days other than days of regular employment of the person, as determined by the court.

(j) If the person convicted under this section is under the age of 21 years and the vehicle used in any such violation is registered to such person, the vehicle may be impounded at the owner's expense for not less than one day nor more than 30 days.

#### 23106. Influence of drugs causing injury

(a) It is unlawful for any person, while under the influence of any drug, to drive a vehicle upon a highway and when so driving do any act forbidden by law or neglect any duty imposed by law in the driving of such vehicle, which act or neglect proximately causes bodily injury to any person other than himself.

(b) It is unlawful for any person, while under the influence of any drug, to drive a vehicle other than on a highway and when so driving do any act, or neglect any duty imposed by law, which act or neglect proximately causes bodily injury to any person other than himself.

(c) Any person convicted under this section shall be punished by imprisonment in the state prison, or in the county jail for not less than 90 days nor more than one year and by fine of not less than two hundred fifty dollars (\$250) nor more than five thousand dollars (\$5,000).

#### 23107. Defense to drug violations

The fact that any person charged with a violation of Section 23105 or 23106 is or has been entitled to use such drug under the laws of this state shall not constitute a defense against any violation of the sections.

## EXCERPTS FROM BUSINESS AND PROFESSIONS CODE

## Article 6. Hypodermics

## 4140. Permit to sell and dispense; renewal; transfer

The board may, upon written application, on a form furnished by the board, and in its discretion, issue a permit to any person, permitting and authorizing such person to sell and dispense hypodermic syringes and hypodermic needles for the purposes and uses specified by the board.

Separate certificates, licenses, permits or registrations, shall be required for each of the premises of any business establishment having more than one location. Such certificate, license, permit or registration shall be renewed annually, on or before January 1 of each year and shall not be transferable.

No person shall furnish, by sale or otherwise, any hypodermic syringe or hypodermic needle if he has not obtained a permit from the board, unless he is authorized to furnish a hypodermic syringe or hypodermic needle without a permit from the board, or unless he is otherwise exempted from such requirement.

## 4140.5. Nonresident hypodermic needle or syringe distributor's license; renewal; application; discipline; doing business in state

(a) A nonresident distributor of hypodermic needles or syringes doing business in this state that has not obtained a certificate, license, permit, registration, or exemption from the board and that sells or distributes hypodermic needles or syringes in this state through any person or medium other than a wholesaler which has obtained a certificate, license, permit, registration, or exemption pursuant to the provisions of this chapter or through a selling or distribution outlet which is licensed as a wholesaler pursuant to the provisions of this chapter, shall not conduct the business of selling or distributing hypodermic needles or syringes in this state without obtaining a nonresident hypodermic needle or syringe distributor's license from the board.

Separate certificates, licenses, permits or registrations shall be required for each of the premises of any business establishment having more than one location. Such certificate, license, permit or registration shall be renewed annually on or before January 1 of each year and shall not be transferable.

(b) Applications for a nonresident hypodermic needle or syringe distributor's license under this section shall be made on a form furnished by the board. The board may require such information as the board deems is reasonably necessary to carry out the purposes of the section.

(c) The board may deny, revoke, or suspend such nonresident distributor's license for any violation of this chapter.

(d) The Legislature, by enacting this section, does not intend a license

## 4140.7. Confiscation of hypodermic needles or syringes not in possession of authorized person

All stocks of hypodermic needles or hypodermic syringes shall be confiscated if found upon any premises which are not in the possession of the person who was issued a permit under Section 4140, unless he is excepted therefrom.

## 4141. Record of furnishing

Any furnishing of a hypodermic syringe or hypodermic needle without a prescription shall at the time of furnishing be recorded in a book by the furnisher. The record of furnishing shall consist of the date and hour of such furnishing, the type or kind, size, and quantity of syringe or needle furnished, the purpose and use for which such needle or syringe was obtained, the signature of the furnisher, and the signature and address of the person to whom the needle or syringe was furnished. Such record book shall be available for inspection by any authorized officer of the law.

## 4142. Exceptions

The provisions of this article with reference to hypodermic syringes and needles do not apply to the sale at wholesale by pharmacies, drug jobbers, drug wholesalers and drug manufacturers or manufacturers and dealer in surgical instruments to pharmacies, physicians, dentists, podiatrists, veterinarians, or persons to whom a permit has been issued.

## 4143. Unlawful possession; exceptions; disposition of used needle or syringe

(a) It is unlawful for any person to have in his possession or under his control any hypodermic needle or hypodermic syringe.

(b) The provisions of this section do not apply to persons who have acquired possession and control of a hypodermic needle or hypodermic syringe in accordance with the provisions of this code authorizing and regulating the furnishing, possession and use of such needles and syringes.

Any used hypodermic needle or hypodermic syringe which is to be disposed of shall be destroyed in such a manner as to render such unit unfit for reuse in any manner. Such destruction may include, but not limited to, grinding and disposal in sewerage systems where such disposal is authorized by the appropriate agency with jurisdiction over such sewerage system.

## 4145. Sale restrictions; exceptions

No hypodermic needle or hypodermic syringe shall be sold at retail except upon the prescription of a physician and surgeon, dentist, veterinarian, or podiatrist, or pharmacist acting within the scope of a project (including projects authorized by Section 429.70) of Chapter

acting within the scope of a project authorized under Article 18 (commencing with Section 429.70) of Chapter 2 of Part 1 of Division 1 of the Health and Safety Code, or physician's assistant acting within the scope of a project authorized under Article 18 (commencing with Section 429.70) of Chapter 2 of Part 1 of Division 1 of the Health and Safety Code.

#### 4147. Authority to furnish without prescription; requirements

Notwithstanding any other provision of law, a pharmacist or physician may, without a prescription or a permit, furnish hypodermic needles and syringes for human use in the administration of insulin or adrenalin, a pharmacist or veterinarian may, without a prescription or a permit, furnish hypodermic needles and syringes for use on poultry or animals, and a person may, without a prescription or permit, obtain hypodermic needles and syringes from a pharmacist or physician for human use in the administration of insulin or adrenalin, or from a pharmacist, veterinarian, or permit holder, for use on poultry or animals, if all of the following requirements are met:

- a. No needle or syringe shall be furnished to a person who is unknown to the furnisher and unable to properly establish his identity.
- b. The furnisher, at the time the furnishing occurs makes a record of the furnishing in the manner required by Section 4141.

#### 4148. Inapplicability of Sections 4141 and 4147 to industrial uses

The provisions of Sections 4141 and 4147 shall not apply to the furnishing or obtaining of hypodermic syringes or hypodermic needles for uses which the board determines are industrial. Notwithstanding any other provision of law, a person may obtain hypodermic syringes or needles, without prescription or permit, for such industrial uses.

### Article 8. Dangerous Drugs

#### 4211. Dangerous drug

"Dangerous drug" means any drug unsafe for self-medication, except preparations of drugs defined in subdivisions (e), (f), (h), and (i) hereof, designed for the purpose of feeding or treating animals (other than man) or poultry, and so labeled, and includes the following:

- (a) Any hypnotic drug "Hypnotic drug" includes acetylurea derivatives, barbituric acid derivatives, chloral, paraldehyde, sulfomethane derivatives, or any compounds or mixtures or preparations that may be used for producing hypnotic effects.
- (b) Aminopyrine, or compounds or mixtures thereof.
- (c) Amphetamine, desoxyephedrine, or compounds or mixtures thereof except preparations for use in the nose and unfit for internal use.
- (d) Cinchophen, neocinchophen, or compounds or mixtures thereof.
- (e) Diethylstilbestrol, or compounds or mixtures thereof.
- (f) Ergot, cotton root, or their contained or derived active compounds

or mixtures thereof.

(g) Oils of croton, rue, savin or tansy or their contained or derived compounds or mixtures thereof.

(h) Sulfanilamide or substituted sulfanilamides, or compounds or mixtures thereof, except preparations for topical application only containing not more than five percent (5%) strength.

(i) Thyroid and its contained or derived active compounds or mixtures thereof.

(j) Phenylhydantoin derivatives.

(k) Any drug which bears the legend: "Caution: federal law prohibits dispensing without prescription;" or, any device which bears the statement: "Caution: federal law restricts this device to sale by or on the order of a \_\_\_\_\_," the blank to be filled in with the designation of the practitioner licensed to use or order use of the device. However, this section, nor any other provision of law, shall not prohibit the sale of such devices to skilled nursing facilities or intermediate care facilities licensed pursuant to Chapter 2 (commencing with Section 1250) of Division 2 of the Health and Safety Code.

(l) Hypnotic drugs when combined and compounded with nonhypnotic drugs.

(m) Any narcotic antagonist drug which has been found by the federal government to have currently accepted medical use in treatment in the United States and to have no potential for abuse or abuse liability.

#### 4213. Administer

"Administer," as used in this article, means the furnishing by a physician and surgeon, dentist, podiatrist, or veterinarian, or pharmacist acting within the scope of a project authorized under Article 18 (commencing with Section 429.70) of Chapter 2 of Part 1 of Division 1 of the Health and Safety Code, or registered nurse acting within the scope of a project authorized under Article 18 (commencing with Section 429.70) of Chapter 2 of Part 1 of Division 1 of the Health and Safety Code, or physician's assistant acting within the scope of a project authorized under Article 18 (commencing with Section 429.70) of Chapter 2 of Part 1 of Division 1 of the Health and Safety Code to his patient of such amount of drugs or medicines referred to in this article as are necessary for the immediate needs of the patient.

#### 4227. Furnishing or dispensing drug without prescription; exceptions

(a) No person shall furnish any dangerous drug except upon the prescription of a physician, dentist, podiatrist or veterinarian, or pharmacist acting within the scope of a project authorized under Article 18 (commencing with Section 429.70) of Chapter 2 of Part 1 of Division 1 of the Health and Safety Code, or registered nurse acting within the scope of a project authorized under Article 18 (commencing with Section 429.70) of Chapter 2 of Part 1 of Division 1 of the Health and Safety Code, or physician's assistant acting within the scope of a project authorized un

Article 18 (commencing with Section 429.70) of Chapter 2 of Part 1 of Division 1 of the Health and Safety Code.

(b) The provisions of this section do not apply to the furnishing of any dangerous drug by a manufacturer or wholesaler or pharmacy to each other or to a physician, dentist, podiatrist or veterinarian, or pharmacist acting within the scope of a project authorized under Article 18 (commencing with Section 429.70) of Chapter 2 of Part 1 of Division 1 of the Health and Safety Code, or registered nurse acting within the scope of a project authorized under Article 18 (commencing with Section 429.70) of Chapter 2 of Part 1 of Division 1 of the Health and Safety Code, or physician's assistant acting within the scope of a project authorized under Article 18 (commencing with Section 429.70) of Chapter 2 of Part 1 of Division 1 of the Health and Safety Code, or to a laboratory under sales and purchase records that correctly give the date, the names and addresses of the supplier and the buyer, the drug and its quantity.

(c) A registered pharmacist, or a person exempted pursuant to Section 4050.7, may distribute dangerous drugs and devices directly to hemodialysis patients pursuant to regulations promulgated by the board. The board shall promulgate such regulations as are necessary to insure the safe distribution of such drugs and devices to hemodialysis patients without interruption of supply including, but not limited to, the following: vendor licensing, records and labeling, patient receipts, patient training, report records, specific product and quantity limitations, verification order forms, reports and supplies, adequate establishment facilities, and reports to the board. A person who violates a regulation promulgated pursuant to this subdivision shall be liable upon order of the board to surrender this personal license. These penalties shall be in addition to penalties which may be imposed pursuant to Sections 4389 and 4350.5. If the board finds any hemodialysis drugs or devices distributed pursuant to this subdivision to be ineffective or unsafe for the intended use, the board may institute immediate recall of any or all of such drugs or devices distributed to individual patients.

(d) Home hemodialysis patients who receive any drugs or devices pursuant to subdivision (c) shall have completed a full course of home training given by a renal dialysis center accredited by the State Department of Health. The physician and surgeon prescribing the hemodialysis products shall submit proof satisfactory to the manufacturer or wholesaler that the patient has completed such program.

#### 4223. Container labels

(a) Except as provided in subdivision (b) of this section, no person shall dispense any dangerous drug upon prescription except in a container correctly labeled with the information required by Sections 4047.5 and 4048.

(b) Physicians, dentists, podiatrists, and veterinarians, and pharmacists acting within the scope of a project authorized under Article 18 (commencing with Section 429.70) of Chapter 2 of Part 1 of Division 1 of the Health and Safety Code, or registered nurses acting within the scope of

a project authorized under Article 18 (commencing with Section 429.70) of Chapter 2 of Part 1 of Division 1 of the Health and Safety Code, or physician's assistants acting within the scope of a project authorized under Article 18 (commencing with Section 429.70) of Chapter 2 of Part 1 of Division 1 of the Health and Safety Code, may personally furnish any dangerous drug prescribed by them to the patient for whom prescribed, provided that such drug is properly labeled to show all information required in Sections 4047.5 and 4048 except the prescription number.

#### 4229.5. Refilling prescription when prescriber is unavailable

A prescription for a dangerous drug may be refilled without the prescriber's authorization if the prescriber is unavailable to authorize the refill and if, in the pharmacist's professional judgment, failure to refill the prescription might present an immediate hazard to the patient's health and welfare or might result in intense suffering. The pharmacist shall refill only a reasonable amount sufficient to maintain the patient until the prescriber can be contacted. The pharmacist shall note on the reverse side of the prescription the date and quantity of the refill and that the prescriber was not available and the basis for his judgment to refill the prescription without the prescriber's authorization. The pharmacist shall inform the patient that the prescription was refilled without the prescriber's authorization, indicating that the prescriber was not available and that, in the pharmacist's professional judgment, failure to provide the drug might result in an immediate hazard to the patient's health and welfare or might result in intense suffering. The pharmacist shall inform the prescriber within a reasonable period of time. Prior to refilling a prescription pursuant to this section, the pharmacist shall make every reasonable effort to contact the prescriber.

The prescriber shall not incur any liability as the result of a refilling of a prescription pursuant to this section.

#### 4230. Possession of drug without prescription

No person shall have in possession any preparation included in subdivision (a) or (c) of Section 4211 except that furnished to such person upon the prescription of a physician, dentist, \* \* \* podiatrist, or veterinarian, or pharmacist acting within the scope of a project authorized under Article 18 (commencing with Section 429.70) of Chapter 2 of Part 1 of Division 1 of the Health and Safety Code, or registered nurse acting within the scope of a project authorized under Article 18 (commencing with Section 429.70) of Chapter 2 of Part 1 of Division 1 of the Health and Safety Code, or physician's assistant acting within the scope of a project authorized under Article 18 (commencing with Section 429.70) of Chapter 2 of Part 1 of Division 1 of the Health and Safety Code. The provisions of this section do not apply to the possession of any drug defined in subdivision (a) or (c) of Section 4211 by a manufacturer or wholesaler or a pharmacy or physician or \* \* \* podiatrist, dentist or veterinarian or laboratory or pharmacist acting within the scope of a project authorized under Article 18 (commencing with Section 429.70) of Chapter 2 of Part 1 of Division 1 of the Health and Safety Code.

18 (commencing with Section 429.70) of Chapter 2 of Part 1 of Division 1 of the Health and Safety Code, or registered nurse acting within the scope of a project authorized under Article 18 (commencing with Section 429.70) of Chapter 2 of Part 1 of Division 1 of the Health and Safety Code, or physician's assistant acting within the scope of a project authorized under Article 18 (commencing with Section 429.70) of Chapter 2 of Part 1 of Division 1 of the Health and Safety Code when in stock in containers correctly labeled with the name and address of the supplier or producer.

#### 4231. Inspection of stock

All stock of any dangerous drug of a manufacturer, wholesaler, pharmacy, physician, dentist, podiatrist, or veterinarian, or pharmacist acting within the scope of a project authorized under Article 18 (commencing with Section 429.70) of Chapter 2 of Part 1 of Division 1 of the Health and Safety Code, or registered nurse acting within the scope of a project authorized under Article 18 (commencing with Section 429.70) of Chapter 2 of Part 1 of Division 1 of the Health and Safety Code, or physician's assistant acting within the scope of a project authorized under Article 18 (commencing with Section 429.70) of Chapter 2 of Part 1 of Division 1 of the Health and Safety Code, laboratory, shipments through a customs broker or carrier shall be at all times during business hours open to inspection by authorized officers of the law.

#### 4232. Inspection of records; current inventory; offenses

All records of manufacture and of sale, purchase or disposition of dangerous drugs shall be at all times, during business hours, open to inspection by authorized officers of the law, and shall be preserved for at least three years from the date of making. A current inventory shall be kept by every manufacturer, wholesaler, pharmacy, physician, dentist, podiatrist or veterinarian, or pharmacist acting within the scope of a project authorized under Article 18 (commencing with Section 429.70) of Chapter 2 of Part 1 of Division 1 of the Health and Safety Code, or registered nurse acting within the scope of a project authorized under Article 18 (commencing with Section 429.70) of Chapter 2 of Part 1 of Division 1 of the Health and Safety Code, or physician's assistant acting within the scope of a project authorized under Article 18 (commencing with Section 429.70) of Chapter 2 of Part 1 of Division 1 of the Health and Safety Code, laboratory, clinic, hospital, institution, or establishment holding a currently valid and unrevoked certificate, license, permit, registration or exemption under Division 2 (commencing with Section 1200) of the Health and Safety Code or under Part 3 (commencing with Section 1620) of Division 2 of, Chapter 2 (commencing with Section 2300) of Division 3 of, or Part 2 (commencing with Section 5699) of Division 6 of, the Welfare and Institutions Code who maintains a stock of dangerous drugs.

Any person who fails, neglects, or refuses to maintain such records or who, when called upon by an authorized officer or a member of the board, fails, neglects or refuses to produce such records within a reasonable time,

or who willfully produces or furnishes records which are false, is guilty of a misdemeanor.

#### 4235. Violation; offense

Every person who violates any provision of this article other than Section 4230 or Section 4227 insofar as sections relate to any preparation included in subdivision (a) or (c) of Section 4211, is guilty of a misdemeanor.

#### 4390. Forgery of prescription; offense; punishment

Every person who signs the name of another, or of a fictitious person or falsely makes, alters, forges, utters, publishes, passes, or attempts to pass as genuine, any prescription for any drugs is guilty of a forgery and upon conviction thereof shall be punished by imprisonment in the state prison or by imprisonment in the county jail for not more than 1 year.

Every person who has in his possession any drugs secured by such forged prescription shall be punished by imprisonment in the state prison for not less than one year nor more than six years, or by imprisonment in the county jail for not more than one year.

#### 4390.5. False representation as physician to obtain prescription drugs

Every person who, in order to obtain any drug or poison, falsely represents himself to be a physician or other person who can lawfully prescribe such drug, or falsely represents that he is acting on behalf of a person who can lawfully prescribe such drug or poison, in a telephone communication with a registered pharmacist, shall be punished by imprisonment in the county jail for not more than one year.

## EXCERPTS FROM THE PENAL CODE

## CHAPTER 4.5. PEACE OFFICERS

## 830.3. Particular officers

(a) The Deputy Director, assistant directors, chiefs, assistant chiefs, special agents, and narcotics agents of the Department of Justice, and such investigators who are so designated by the Attorney General, are peace officers.

The authority of any such peace officer extends to any place in the state as to a public offense committed or which there is probable cause to believe has been committed within the state.

(b) Any inspector or investigator regularly employed and paid as such in the office of a district attorney is a peace officer.

The authority of any such peace officer extends to any place in the state:

(1) As to any public offense committed, or which there is probable cause to believe has been committed, within the county which employs him; or

(2) Where he has the prior consent of the chief of police, or person authorized by him to give such consent, if the place is within a city or of the sheriff, or person authorized by him to give such consent, if the place is within a county; or

(3) As to any public offense committed or which there is probable cause to believe has been committed in his presence, and with respect to which there is immediate danger to person or property, or of the escape of the perpetrator of such offense.

## CHAPTER 5c. CITATIONS FOR MISDEMEANORS

## 853.5. infractions; release procedures

Except as otherwise provided by law, in any case in which a person is arrested for an offense declared to be an infraction, the person may be released according to the procedures set forth by this chapter for the release of persons arrested for an offense declared to be a misdemeanor.

## 853.6. Notice to appear; contents; bail; warrant

(a) In any case in which a person is arrested for an offense declared to be a misdemeanor and does not demand to be taken before a magistrate, such person may, instead of being taken before a magistrate, be released according to the procedures set forth by this chapter. If the arresting officer or his superior determines that the person should be released, such officer or superior shall prepare in duplicate a written notice to appear in court, containing the name and address of such person, the offense charged, and the time and place where and when such person shall appear in court. If the person is not released prior to being booked and the officer should

be released, such officer or superior shall prepare such written notice to appear in court.

(b) Unless waived by the person, the time specified in the notice to appear must be at least five (5) days after arrest.

(c) The place specified in the notice shall be the court of the magistrate before whom the person would be taken if the requirement of taking an arrested person before a magistrate were complied with, or shall be an officer authorized by such court to receive a deposit of bail.

(d) The officer shall deliver one copy of the notice to appear to the arrested person, and the arrested person, in order to secure release, must give his written promise so to appear in court by signing the duplicate notice which shall be retained by the officer. Thereupon the arresting officer shall forthwith release the person arrested from custody.

(e) The officer shall, as soon as practicable, file the duplicate notice with the magistrate specified therein. Thereupon the magistrate may fix the amount of bail which in his judgment, in accordance with the provisions of Section 1275 of the Penal Code, will be reasonable and sufficient for the appearance of the defendant and shall indorse upon the notice a statement signed by him in the form set forth in Section 815a of this code. The defendant may, prior to the date upon which he promised to appear in court, deposit with the magistrate the amount of bail thus set. Thereafter, at the time when the case is called for arraignment before the magistrate, if the defendant shall not appear, either in person or by counsel, the magistrate may declare the bail forfeited, and may in his discretion order that no further proceedings shall be had in such case, unless the defendant has been charged with violation of Section 374b or 374c of this code or of Section 13602 of the Health and Safety Code, or a violation punishable under Section 5005.7 of the Public Resources Code, and he has previously been convicted of a violation of such section or punishable under such section, except in cases where the magistrate finds that undue hardship will be imposed upon the defendant by requiring him to appear, the magistrate may declare the bail forfeited and order that no further proceedings shall be had in such case.

Upon the making of such order that no further proceedings be had, all sums deposited as bail shall forthwith be paid into the county treasury for distribution pursuant to Section 1463 of this code.

(f) No warrant shall issue on such charge for the arrest of a person who has given such written promise to appear in court, unless and until he has violated such promise or has failed to deposit bail, to appear for arraignment, trial or judgment, or to comply with the terms and provisions of the judgment, as required by law.

(g) The officer shall indicate on the notice to appear whether he desires the arrested person to be booked as defined in subdivision 21 of Section 7 of this code. In such event, the magistrate shall, before the proceedings are finally concluded, order the defendant to be booked by the arresting agency.

(h) A peace officer may use the written notice to appear procedure set forth in this section for any misdemeanor offense in which the officer has taken custody of the person under Section 836 or in which he has taken custody

of a person pursuant to Section 847.

(i) If the arrested person is not released pursuant to the provisions of this chapter prior to being booked by the arresting agency, then at the time of booking the arresting officer, the officer in charge of such booking or his superior officer, or any other person designated by a city or county for this purpose shall make an immediate investigation into the background of the person to determine whether he should be released pursuant to the provisions of this chapter. Such investigation shall include, but need not be limited to, the person's name, address, length of residence at that address, length of residence within this state, marital and family status, employment, length of that employment, prior arrest record, and such other facts relating to the person's arrest which would bear on the question of his release pursuant to the provisions of this chapter.

(j) Whenever any person is arrested by a peace officer for a misdemeanor, other than an offense described in subdivision (b) of Section 11357 or subdivision (c) of Section 11360 of the Health and Safety Code, and is not released with a written notice to appear in court pursuant to this chapter, the arresting officer shall indicate, on a form to be established by his employing law enforcement agency, which of the following was a reason for such nonrelease:

- (1) The person arrested was so intoxicated that he could have been a danger to himself or to others.
- (2) The person arrested required medical examination or medical care or was otherwise unable to care for his own safety.
- (3) The person was arrested for one or more of the offenses listed in Section 40302 of the Vehicle Code.
- (4) There were one or more outstanding arrest warrants for the person.
- (5) The person could not provide satisfactory evidence of personal identification.
- (6) The prosecution of the offense or offenses for which the person was arrested or the prosecution of any other offense or offenses would be jeopardized by immediate release of the person arrested.
- (7) There was a reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be imminently endangered by release of the person arrested.
- (8) The person arrested demanded to be taken before a magistrate or refused to sign the notice to appear.
- (9) Any other reason, which shall be specifically stated on the form by the arresting officer.

Such form shall be filed with the arresting agency as soon as practicable and shall be made available to any party having custody of the arrested person, subsequent to the arresting officer, and to any person authorized by law to release him from custody before trial.

#### CHAPTER 2.5. SPECIAL PROCEEDINGS IN NARCOTICS AND DRUG ABUSE CASES

1020. (a) This chapter shall apply whenever a case is before any court upon an accusatory pleading for violation of Section 11350, 11357, 11361,

11365, 11377, or 11550 of the Health and Safety Code, or Section 11358 of the Health and Safety Code if the marijuana planted, cultivated, harvested, dried, or processed is for personal use, or Section 381 or subdivision (f) of Section 647 of the Penal Code, if for being under the influence of a controlled substance, or Section 4230 of the Business and Professions Code, and it appears to the district attorney that, except as provided in subdivision (b) of Section 11357 of the Health and Safety Code, all of the following apply to the defendant:

- (1) The defendant has no conviction for any offense involving controlled substances prior to the alleged commission of the charged divertible offense.
- (2) The offense charged did not involve a crime of violence or threatened violence.
- (3) There is no evidence of a violation relating to narcotics or restricted dangerous drugs other than a violation of the sections listed in this subdivision.
- (4) The defendant's record does not indicate that probation or parole has ever been revoked without thereafter being completed.
- (5) The defendant's record does not indicate that he has been diverted pursuant to this chapter within five years prior to the alleged commission of the charged divertible offense.
- (6) The defendant has no prior felony conviction within five years prior to the alleged commission of the charged divertible offense.
- (7) The district attorney shall review his file to determine whether or not paragraphs (1) to (6), inclusive, of subdivision (a) are applicable to the defendant. If the defendant is found ineligible, the district attorney shall file with the court a declaration in writing or state for the record the grounds upon which the determination is based, and shall make this information available to the defendant and his attorney.

1030.1. (a) If the district attorney determines that this chapter may be applicable to the defendant, he shall advise the defendant and his attorney in writing of such determination. This notification shall include:

- (1) A full description of the procedures of diversionary investigation.
- (2) A general explanation of the roles and authorities of the probation department, the district attorney, the community program, and the court in the diversion process.
- (3) A clear statement that the court may decide in a hearing not to divert the defendant and that he may have to stand trial for the alleged offense.
- (4) A clear statement that should the defendant fail in meeting the terms of his diversion, or should he be convicted of a misdemeanor which reflects the divertee's propensity for violence, or should the divertee be convicted of any felony, he may be required, after a court hearing, to stand trial for the original alleged offense.
- (5) An explanation of criminal record retention and disposition resulting from participation in the diversion and the divertee's rights relative to answering questions about his arrest and diversion following successful completion of the diversion program.

(b) If the defendant consents and waives his right to a speedy trial the district attorney shall refer the case to the probation department. The probation department shall make an investigation and take into consideration the defendant's age, employment and service records, educational background, community and family ties, prior controlled substance use, treatment history, if any, demonstrable motivation and other mitigating factors in determining whether the defendant is a person who would be benefited by education, treatment, or rehabilitation. The probation department shall also determine which community programs the defendant would benefit from and which of those programs would accept the defendant. The probation department shall report its findings and recommendation to the court.

(c) No statement, or any information procured therefrom, made by the defendant to any probation officer or drug treatment worker, which is made during the course of any investigation conducted by the probation department or drug treatment program pursuant to subdivision (b), and prior to the reporting of the probation department's findings and recommendations to the court, shall be admissible in any action or proceeding brought subsequent to the investigation.

No statement, or any information procured therefrom, with respect to the specific offense with which the defendant is charged, which is made to any probation officer or drug program worker subsequent to the granting of diversion, shall be admissible in any action or proceeding.

In the event that diversion is either denied, or is subsequently revoked once it has been granted, neither the probation investigation nor statements or information divulged during that investigation shall be used in any sentencing procedures.

1000.2. The court shall hold a hearing and, after consideration of the probation department's report and any other information considered by the court to be relevant to its decision, shall determine if the defendant consents to further proceedings under this chapter and waives his right to a speedy trial and if the defendant should be diverted and referred for education, treatment, or rehabilitation. If the court does not deem the defendant a person who would be benefited by diversion, or if the defendant does not consent to participate, the proceedings shall continue as in any other case.

At such time that a defendant's case is diverted, any bail bond or undertaking, or deposit in lieu thereof, on file by or on behalf of the defendant shall be exonerated, and the court shall enter an order so directing.

The period during which the further criminal proceedings against the defendant may be diverted shall be for no less than six months nor longer than two years. Progress reports shall be filed by the probation department with the court not less than every six months.

1000.3. If it appears to the probation department that the diveree is performing unsatisfactorily in the assigned program, or that the diveree is not benefiting from education, treatment, or rehabilitation, or that the

to the diveree, the court shall hold a hearing to determine whether the criminal proceedings should be reinstated. If the court finds that the diveree is not performing satisfactorily in the assigned program, or that the diveree is not benefiting from diversion, or the court finds that the diveree has been convicted of a crime as indicated above, the criminal case shall be referred back to the court for resumption of the criminal proceedings. If the diveree has performed satisfactorily during the period of diversion, at the end of the period of diversion, the criminal charges shall be dismissed.

1000.4. This chapter shall remain in effect until January 1, 1979, and on such date is repealed.

1000.5. Any record filed with the Department of Justice shall indicate the disposition in those cases diverted pursuant to this chapter. Upon successful completion of a diversion program the arrest upon which the diversion was based shall be deemed to have never occurred. The diveree may indicate in response to any question concerning his prior criminal record that he was not arrested or diverted for such offense. A record pertaining to an arrest resulting in successful completion of a diversion program shall not, without the diveree's consent, be used in any way which could result in the denial of any employment, benefit, license, or certificate.

1203.03. (a) In any case in which a defendant is convicted of an offense punishable by imprisonment in the state prison, the court, if it concludes that a just disposition of the case requires such diagnosis and treatment services as can be provided at a diagnostic facility of the Department of Corrections, may order that defendant be placed temporarily in such facility for a period not to exceed 90 days, with the further provision in such order that the Director of the Department of Corrections report to the court his diagnosis and recommendations concerning the defendant within the 90-day period.

(b) The Director of the Department of Corrections shall, within the 90 days, cause defendant to be observed and examined and shall forward to the court his diagnosis and recommendation concerning the disposition of the defendant's case. Such diagnosis and recommendation shall be embodied in a written report and copies of the report shall be served only upon the defendant or his counsel, the probation officer, and the prosecuting attorney by the court receiving such report. After delivery of the copies of the report, the information contained therein shall not be disclosed to anyone else without the consent of the defendant. After disposition of the case, copies of the report, except the one delivered to the defendant or his counsel, shall be filed in a sealed file and shall be available thereafter only to the defendant or his counsel, the prosecuting attorney, the court, the probation officer, or the Department of Corrections.

(c) Notwithstanding subdivision (b), the probation officer may retain a copy of the report for the purpose of supervision of the defendant if the defendant is placed on probation by the court. The report and information

else without the written consent of the defendant. Upon the completion or termination of probation, the copy of the report shall be returned by the probation officer to the sealed file prescribed in subdivision (b).

(d) The Department of Corrections shall designate the place to which a person referred to it under the provisions of this section shall be transported. After the receipt of any such person, the department may return the person to the referring court if the director of the department, in his discretion, determines that the staff and facilities of the department are inadequate to provide such services.

(e) The sheriff of the county in which an order is made placing a defendant in a diagnostic facility pursuant to this section, or any other peace officer designated by the court, shall execute the order placing such defendant in the center or returning him therefrom to the court. The expense of such sheriff or other peace officer incurred in executing such order is a charge upon the county in which the court is situated.

(f) It is the intention of the Legislature that the diagnostic facilities made available to the counties by this section shall only be used for the purposes designated and not in lieu of sentences to local facilities.

(g) Time spent by a defendant in confinement in a diagnostic facility of the Department of Corrections pursuant to this section or as an outpatient or inpatient of the California Rehabilitation Center shall be credited on the term of imprisonment in state prison, if any, to which defendant is sentenced in the case.

(h) In any case in which a defendant has been placed in a diagnostic facility pursuant to this section and, in the course of his confinement, he is determined to be suffering from a remediable condition relevant to his criminal conduct, the department may, with the permission of defendant, administer treatment for such condition. If such treatment will require a longer period of confinement than the period for which defendant was placed in the diagnostic facility, the Director of Corrections may file with the court which placed defendant in the facility a petition for extension of the period of confinement, to which shall be attached a writing signed by defendant giving his consent to the extension. If the court finds the petition and consent in order, it may order the extension, and transmit a copy of the order to the Director of Corrections.

1203.07. (a) Notwithstanding the provisions of Section 1203, probation shall not be granted to, nor shall the execution or imposition of sentence be suspended for, any of the following persons:

(1) Any person who is convicted of violating Section 11351 of the Health and Safety Code by possessing for sale one-half ounce or more of a substance containing heroin.

(2) Any person who is convicted of violating Section 11352 of the Health and Safety Code by selling or offering to sell one-half ounce or more of a substance containing heroin.

(3) Any person convicted of violating Section 11351 of the Health and Safety Code by possessing heroin for sale or convicted of violating Section 11352 of the Health and Safety Code by selling or offering to sell heroin, and who has one or more prior convictions for violating Section 11351 or

Section 11352 of the Health and Safety Code.

(b) The existence of any fact which would make a person ineligible for probation under subdivision (a) shall be alleged in the information or indictment, and either admitted by the defendant in open court, or found to be true by the jury trying the issue of guilt or by the court where guilt is established by plea of guilty or nolo contendere or by trial by the court sitting without a jury.

Penalties

	SB 65 (1979)	Federal Controlled Substances Act	HB 549 (1978)	Existing AK. LAW	Uniform Act	HAWAII LAW
Delivery of Amphetamines to MINORS  (Parr Sch. II)	0 - life / \$25,000	0 - 10 yrs. / \$30,000 } 1st. 0 - 15 yrs. / \$45,000 } 2nd.	0 - 15 yrs / \$20,000 5 yr. presumptive sentence for 1st.	0 - Life / \$25,000	If defendant is 18 or older and MINOR is 18 or under and 3 yrs. his junior, authorized yrs or penalties are doubled.	If MINOR is three yrs. Defendant's junior = 20 yrs / \$10,000
Delivery of Hallucinogens to MINORS  (Parr Sch. II)	0 - life / \$25,000	0 - 10 yrs. / \$30,000 } 1st. 0 - 15 yrs. / \$45,000 } 2nd.	0 - 7 yrs. / \$10,000 2 yr. presumptive sentence for 1st.	0 - Life / \$25,000	If defendant is 18 or older AND MINOR is 18 or under and 3 yrs. his junior, authorized imprisonment penalties are doubled.	If MINOR is Three yrs. Defendant's junior = 20 yrs / \$10,000
Delivery of Methagulones to MINORS  (Parr Sch. II)	0 - life / \$25,000	0 - 10 yrs. / \$30,000 } 1st. 0 - 15 yrs. / \$45,000 } 2nd.			If defendant is 18 or older AND MINOR is 18 or under and 3 yrs. his junior, authorized imprisonment penalties are doubled.	If MINOR is Three yrs. Defendant's junior = 20 yrs. / \$10,000

Penalties	SB 65 (1979)	Federal Controlled SUBSTANCES ACT	HB 549 (1978)	Existing AK. LAW	Uniform Act	HAWAII LAW
Delivery of VALIUM to MINORS  Parr Sch. IV)	0 - life / \$25,000	0 - 6 yrs. } 1st. \$20,000 }  0 - 9 yrs. } 2nd. \$30,000 }			If defendant is 18 yrs. or older AND minor is 18 or under AND 3 yrs. his junior authorized imprison- ment penalties ARE doubled.	If MINOR is three yrs. Defendant's junior = 20 yrs. / \$10,000
Delivery of HASH, HASH OIL to MINORS  Parr Sch. IV) Hawaii-Sch. III)			0 - 7 yrs. / \$10,000 2 yr. presumptive sentence 1st.		If defendant is 18 yrs. or older AND minor is 18 or under AND 3 yrs. his junior authorized imprison- ment penalties are doubled.	If MINOR is three yrs. Defendant's junior = 20 yrs. / \$10,000

Penalties	SB 65 (1979)	Federal Controlled Substances Act	H.B. 549 (1978)	Existing AK. LAW	Uniform Act	HAWAII LAW
Possession of Amphetamines (Parr Sch. II)	0-1 yr. / \$1,000	0-1 yr. / \$5,000 1st. 0-2 yr. / \$10,000 2nd.  If no prior convictions conditional discharge is permitted.	0-1 yr. / \$10,000 - 1st. 0-2 yr. / \$10,000 - 2nd. \$2,000 presumptive for 1st. 3 months presumptive for 2nd.	0-1 yr. / \$1,000	Misdemeanor	If 2 oz. or more: 20 yrs. / \$10,000 If 50 caps or more or 1/2 oz or more: 10 yrs. / \$10,000 If less than above: 5 yrs. / \$5,000
Possession of Hallucinogens (Parr Sch. II)	0-1 yr. / \$1,000	0-1 yr. / \$5,000 1st. 0-2 yr. / \$10,000 2nd.  If no prior convictions conditional discharge is permitted.	0-1 yr. / \$2,000 \$1,000 presumptive sentence	0-1 yr. / \$1,000	Misdemeanor	SAME AS AMPHETAMINES
Possession of Methamphetamines (Parr Sch. II)	0-1 yr. / \$1,000	0-1 yr. / \$500 1st. 0-2 yr. / \$10,000 2nd.  If no prior convictions conditional discharge is permitted.			Misdemeanor	SAME AS AMPHETAMINES
Possession of Valium (Parr Sch. IV)	0-1 yr. / \$1,000	0-1 yr. / \$5,000 1st. 0-2 yr. / \$10,000 2nd.  If no prior convictions conditional discharge is permitted.			Misdemeanor	If 400 caps or more: 20 yrs. / \$10,000 If 50 caps or more: 10 yrs. / \$10,000 If less than above: 1 yr. / \$1,000

Penalties	SB 65 (1974)	Federal Controlled Substances Act	H.B. 549 (1978)	Existing AK. LAW	Uniform Act	HAWAII LAW
Possession of Hash, Hash oil  (Parr Sch. IV) (Hawaii-Sch. III)		0-1 yr. / \$5000 1 <sup>st</sup> . 0-2 yr. / \$10,000 2 <sup>nd</sup> .  If no prior convictions conditional discharge is permitted.	0-1 yr. / \$2000 \$1,000 presumptive Sentence		Misdemeanor	If 400 or more units OR 1 oz or more: 20 yrs / \$10,000 If 50 or more units or 1/8 oz or more: 10 yrs / \$10,000 If less than above: 1 yr. / \$1,000

USAGE PATTERNS OF SCHEDULE II  
SEDATIVE - HYPNOTICS  
IN WISCONSIN  
AND THE U.S.



Report of Special Meeting

May, 1979

Wisconsin Controlled Substances Board

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## I About the Controlled Substances Board

The Controlled Substances Board is a six-member statutory Board, created in 1969 to administer portions of the Uniform Controlled Substance Act. The Board is Wisconsin's scheduling authority and it issues controlled substances possession authorizations for researchers, teaching institutions, analytical laboratories and other special applications. The Board is advisory to the State Methadone Authority and conducts regular symposia to focus attention on specialized drug abuse topics. Symposia have been held on methadone, narcotic antagonists, the role of law in the social control of drugs, and on distribution patterns of prescription amphetamines.

Membership of the Board includes:

- Darold A. Treffert, M.D.; psychiatrist member, and Chairman; Director, Winnebago Mental Health Institute.
- Karl Marquardt, R.Ph., Vice Chairman; Executive Secretary of the Pharmacy Examining Board and representing Chairman D. Jack Myers.
- Donald E. Percy, Secretary, Department of Health and Social Services.
- John W. Calhoun, Assistant Attorney General; representing Attorney General Bronson LaFollette.
- Donald Willett, Director, Bureau of Laboratory Services, Department of Agriculture, Trade and Consumer Protection; representing Secretary Gary Rohde.
- June Dahl, Ph.D., pharmacologist member; Assistant Professor of Pharmacology, University of Wisconsin.

The Board is attached to the Department of Health and Social Services. Staff services are provided by the Bureau of Alcohol and Other Drug Abuse, Larry W. Monson, ACSW, Director.

II

Special Meeting

Usage Patterns of Schedule II  
Sedative-Hypnotics in Wisconsin and the U.S.

Wednesday, March 21, 1979  
Training Center, Gordon Hall  
Winnebago Mental Health Institute  
Winnebago, Wisconsin

PROGRAM

- 9:00 Registration
- 9:30 Welcome, Background, Introductory Remarks
- Darold A. Treffert, M.D.  
Chairman, Controlled Substances Board  
Director, Winnebago Mental Health Institute
  - Larry W. Monson, ACSW  
Director, Bureau of Alcohol and Other Drug Abuse
  - Robert T. Angarola  
Assistant Director, Domestic Policy Staff, The White House
- 10:30 Distribution Patterns of Sedative-Hypnotics in Wisconsin and the U.S.
- David E. Joranson, MSSW  
Drug Abuse Program Policy Specialist  
Bureau of Alcohol and Other Drug Abuse
- 12:00 Lunch
- 1:00 Reactor Panel and Discussion of Data, Implications for  
Wisconsin Policy and Programs
- Paul Bjerke  
Pharmacy Examining Board
  - Ralph Paulick  
Wisconsin Pharmacy Association
  - Darold Treffert, M.D.  
President-elect, State Medical Society
  - Rudolph W. Link, M.D.  
Medical Examining Board
- 3:30 Adjourn

### III Participants

1. Lee Ames; Upjohn Co.; Chicago, Illinois
2. Gary Andersen; U.S. Drug Enforcement Administration; Milwaukee, Wisconsin
3. Robert Angarola; Domestic Policy Staff, The White House; Washington, D.C.
4. Dan Bay; Unified Health Services Board of Outagamie County; Appleton, Wisconsin
5. Paul Bjerke; Pharmacy Examining Board; Madison, Wisconsin
6. Herb Boll; Brown County Mental Health Center; Green Bay, Wisconsin
7. Debi Bowen, MSSW; Bureau of Alcohol and Other Drug Abuse; Madison, Wisconsin
8. Dick Briggs; Brown County
9. Gail Briggs; Outagamie County
10. John W. Calhoun; Controlled Substances Board and Department of Justice; Madison, Wisconsin
11. Paul Cushman, Jr., M.D.; Department of Pharmacology, Medical College of Wisconsin and Wisconsin Alcoholism and Drug Abuse Research Institute; Milwaukee, Wisconsin
12. June Dahl, Ph.D.; Controlled Substances Board and Department of Pharmacology, University of Wisconsin; Madison Wisconsin
13. Frank Dolejsi; Crime Lab; Madison, Wisconsin
14. Scott Ewert; Alcohol and Drug Council of Kenosha County; Kenosha, Wisconsin
15. James A. Ferguson, DVM, Ph.D.; Office of Medical and Professional Affairs, National Institute on Drug Abuse; Washington, D.C.
16. Ron Frederick; Kenosha County Comprehensive Board; Kenosha, Wisconsin
17. Susan Fredlund; Department of Public Instruction; Madison, Wisconsin
18. Karen Gillespie; PraCon Incorporated; Vienna, Virginia
19. Mark Goff; Mental Health Planning Council; Milwaukee, Wisconsin
20. James Halikas, M.D.; Wisconsin Alcoholism and Drug Abuse Research Institute; Milwaukee, Wisconsin
21. J. J. Hannon; U.S. Drug Enforcement Administration; Chicago, Illinois
22. E. Johnson, M.D.; Brown County Mental Health Center; Green Bay, Wisconsin
23. David Joranson, MSSW; Bureau of Alcohol and Other Drug Abuse; Madison, Wisconsin
24. Paul Keys; Division of Community Services; Madison, Wisconsin
25. Allen Liegel; Department of Pharmacy, University of Wisconsin; Madison, Wisconsin
26. Rudolph Link, M.D.; Medical Examining Board; Madison, Wisconsin
27. Karl Marquardt, R. Ph.; Controlled Substances Board; Madison, Wisconsin
28. Philip McCullough, ACSW; Bureau of Alcohol and Other Drug Abuse; Madison, Wisconsin
29. Larry Monson, ACSW; Bureau of Alcohol and Other Drug Abuse; Madison, Wisconsin
30. Jack Myers; Pharmacy Examining Board; Madison, Wisconsin
31. Tony Novello; Sanoz; Cleveland, Ohio
32. James Pacella; U.S. Drug Enforcement Administration; Washington, D.C.
33. Ralph Paulick; Wisconsin Pharmaceutical Association; Madison, Wisconsin
34. Liz Plotkin, MSSW; Bureau of Alcohol and Other Drug Abuse; Madison, Wisconsin
35. Mary Reddin; Medical Examining Board; Madison, Wisconsin
36. Paul Schanen; Brown County Mental Health Center; Green Bay, Wisconsin
37. Darold Treffert, M.D.; Controlled Substances Board and Winnebago Mental Health Institute; Winnebago, Wisconsin
38. Alan White; Division of Health; Madison, Wisconsin
39. Donald Willett; Controlled Substances Board and Department of Agriculture, Trade and Consumer Protection; Madison, Wisconsin

#### IV Summary of Introductory Remarks

| Darold A. Treffert, M.D.  
| Chairman, Controlled Substances Board  
| Director, Winnebago Mental Health Institute

Dr. Treffert described the Controlled Substances Board (CSB) and introduced the Board members. He briefly discussed the Board's last symposium which was on amphetamine usage in Wisconsin.

The scope of sedative-hypnotic usage was then reviewed. Sedative-hypnotics are largely taken for insomnia, by 15-20 million Americans. Dr. Treffert reviewed statistics on the reduction of these prescriptions in recent years. A large quantity of these controlled substances are diverted onto the street - "this is our concern today"; although fifty percent of these street drugs are stolen, the other half is from doctors' diversionary practices.

Barbiturates are a poor choice for inducing sleep. They produce a non-physiologic sleep, nightmares and agitation ("REM rebound" effect). Additionally, these drugs interfere with liver enzyme production. On the other hand, the benzodiazepines induce a more natural sleep and the likelihood of physical dependence is much less.

Dr. Treffert concluded by posing several questions to be explored today:

- \* Is there a problem with Schedule II sedative hypnotics in Wisconsin?
- \* If yes, is it widespread or limited to a few practitioners and pharmacists?
- \* Is diversion a large problem?
- \* Should the "remedy" be legislation, regulation or education?

| Larry W. Monson, ACSW  
| Director, Bureau of Alcohol and Other Drug Abuse, Division of Community  
| Services, Department of Health and Social Services (Single State  
| Agency for Alcohol and Drug Abuse.)

Mr. Monson described the functions of the Bureau of Alcohol and Other Drug Abuse (BAODA), including the staff services it provides to CSB.

Mr. Monson commended the CSB and especially recognized Darold Treffert, Karl Marquardt and John W. Calhoun for their dedicated service on the Board since its beginnings.

The cooperative working relationship between federal and Wisconsin alcohol and other drug authorities was described and commended. Examples cited were the CSB monitoring of licit drug distribution as well as its monitoring of methadone maintenance programs in conjunction with BAODA and federal agencies. Gary Andersen, U.S. Drug Enforcement Administration, was introduced and recognized for his assistance with the sedative-hypnotic data.

| Robert T. Angarola  
| Assistant Director, Domestic Policy Staff  
| The White House

Mr. Angarola discussed the drug problem from a federal perspective. He stated that the federal government is concerned with three areas of drug abuse policy: (1) international issues, (2) health issues (National Institute on Drug Abuse) and (3) enforcement (Drug Enforcement Administration).

In the White House, there is high interest on drug issues. One problem mentioned in President Carter's August 1977 message to Congress was physician overprescribing of barbiturates and other sedative-hypnotics.

Heroin, barbiturates and sedative-hypnotics are the major drug problems - these account for 90% of drug-related deaths. The White House has seen a curbing of the heroin problem and this success has led to optimism as far as sedative-hypnotic issues.

According to Mr. Angarola, the key to working through these problems is to work with the states (e.g., state-level regulatory boards). It is important to identify problem practitioners and investigate where necessary. Under the Controlled Substances Act, the major responsibility for regulation at the retail level lies with the states. Therefore, it is up to the federal government to work with the states, providing information, resources and training.

Ninety-eight percent of the time, drug prescribing problems are not an enforcement/criminal issue, but an education or regulatory issue. Some physicians and pharmacists are not keeping up with advancements in this area. An interagency group (including representatives of the Food and Drug Administration, National Institute on Drug Abuse, American Medical Association, Pharmaceutical Manufacturers Association and others) was formed to work together to promote the education of professionals and the strengthening of regulatory boards as well as professional groups (i.e., encouraging peer pressure measures). (David Joranson, PAODA, was present at one of these meetings.)

Wisconsin is a forerunner in getting people together in a non-threatening way and is to be commended for this; at the federal level, there seems to be distrust between regulatory and health professionals. Wisconsin amphetamine activity has acted as a basis for the actions taken by other states. Mr. Angarola stated that this is why he came to this Special Meeting. Wisconsin can and will serve as a model for utilizing Drug Enforcement Administration information. Wisconsin is unique as a state putting forth effort into this area

James A. Ferguson, D.V.M., Ph.D., Deputy Director  
Office of Medical and Professional Affairs  
National Institute on Drug Abuse

Mr. Ferguson expressed how impressed he is with Wisconsin's use of this data. He reviewed the National Institute on Drug Abuse (NIDA) report "Sedative-Hypnotic Drugs: Risks and Benefits".

Mr. Ferguson stated that prescriptions for all sedative-hypnotics is showing a decrease (except Flurazepam, or Dalmane) from 1977 to 1978. From 1971 to

1978, the number of prescriptions decreased 82% for barbiturate sedative-hypnotics and decreased 67% for nonbarbiturate sedative-hypnotics.

The increase in the number of sedative-hypnotic prescriptions has been halted and the trend is now downward; in Wisconsin, even Dalmane prescriptions are leveling off. This data is encouraging.

Far too many Americans use sedative-hypnotics and for too long. There are "placebo effect" problems with barbiturates due to their known ineffectiveness over a period of time.

The NIDA report recommends a national education campaign for physicians and the public rather than taking these drugs off the market.

V Distribution Patterns of Sedative Hypnotics -

David E. Joranson, MSSW  
Drug Abuse Program Policy Specialist  
Bureau of Alcohol and Other Drug Abuse

"The Controlled Substances Board's first such data analysis project was in 1977, initially on purchases of but one amphetamine product - Biphentamine 20 - for only one strength - 20 milligrams - and for a period of one year.

Today's analysis is considerably more comprehensive and includes all products, and strengths in each general category of amphetamine, pentobarbital, secobarbital and methaqualone, for a two year period. These drugs make up the class of Schedule II sedative-hypnotics that have high abuse potentials and accepted medical uses.

Most of today's materials and analysis have been developed using existing resources, specifically those of the Controlled Substances Board and the Bureau of Alcohol and Other Drug Abuse. Considerable time was spent in understanding, analyzing and preparing the data. I want to recognize the very valuable assistance contributed by Liz Plotkin and Debi Bowen.

The maps you will see were prepared by the University of Wisconsin Cartography Laboratory, on a small purchase order approved for this purpose by our Division Administrator, Dr. Len Ganser. In all, these maps cost approximately \$600.

I want to emphasize the extremely valuable role of the Drug Enforcement Administration in providing this data, especially the special runs that Jim Pacella has provided us. Jim is head of the ARCOS unit in Washington, D.C.

Finally, I want to thank Gary Andersen, Compliance Investigator of the Milwaukee Resident Office of DEA for his ongoing assistance in analyzing and interpreting ARCOS information for the State of Wisconsin. The relation between Wisconsin and the Compliance and Regulatory functions of DEA is exemplary.

I want to caution everyone, including the press, that the following presentations must not be used as the exclusive basis for drawing conclusions as to the legitimacy of the use of drugs in any area of Wisconsin.

This presentation will be, for most of you, the first time you have ever seen such a detailed picture of these distribution patterns. You will see some unusual concentrations of certain drugs. We will look to our reactor panel this afternoon for insights into what these data mean, what positive trends and problems they see, and what actions may be needed, either of an educational, regulatory or enforcement nature - or, no action may be the best course in some instances. You will receive a copy of this presentation in the next few weeks.

There is a fair amount of material to present, so I would ask that we hold our discussion until this afternoon, but if you have clarification questions, please stop me.

In the distribution system for controlled substances, there are three possible distribution points which occur at the end of the system, at the community level, just before the drugs reach the ultimate user or consumer. The pharmacy distributes mainly to outpatient or nursing home patients, upon the order or prescription of a practitioner licensed to practice. The hospital distributes to inpatients or outpatients, also at the order of a practitioner. The practitioner may distribute to patients directly. This is called dispensing. All three, the pharmacy, hospital and practitioner order their drugs from the manufacturer or the distributor of their choice. For Schedule II drugs, a separate registration number must be obtained from DEA, and then all purchases are made on a triplicate order form, one copy of which finds its way back to Washington, D.C. and is programmed into ACROS. It is the analysis of these purchases that is the subject of this presentation.

I will follow a sequence in the presentation. First, I will describe the national pattern of distribution. Then, we'll move to the Wisconsin picture. For Wisconsin, I'll show you what accounts for the peaks of high per capita distribution by presenting profiles of the high purchases made by pharmacies, hospitals, or practitioners. Then I'll summarize the whole pattern, and go on to the next drug. I should point out that each area of high purchasing tends to draw attention as an area worthy of further study. There may or may not be any problem, however.

Let's start by looking at amobarbital. No United States distribution was prepared because, unfortunately, the aggregate data included dexamy1 which is much more an amphetamine product even though it contains amobarbital.

(Mr. Joranson then presented charts, maps and graphs on distribution of amobarbital. They appear at the end of this section.)

Hospital total purchases were 31,500 dosage units, by 49 hospitals (of a total of 178 hospitals in Wisconsin). One hospital purchased 11,900, which was the highest hospital purchase. The average purchase was 642 dosage units.

Practitioner total purchases were 24,800 dosages, by 21 practitioners; 26% of these purchases came to zip area 549, the Fox River Valley, to two practitioners who dispense amobarbital. The average practitioner purchase was 1,180 dosages.

In Summary, the 1976-77 decrease of 37.8% for amobarbital in Wisconsin (including dexamy1) exceeds the national average decrease of 26.1% (also includes dexamy1). Decreases are largely among pharmacies, reflecting a decrease in physician prescribing. Hospital and practitioner purchases are decreasing too.

Questions are raised about: the high pharmacy purchases in northern Wisconsin; one large hospital utilization; and several large practitioner purchases. Compared to the upcoming description of other drugs, the overall baseline for distribution of amobarbital is low, but punctuated by several high peaks.

Now lets go to pentobarbital. Again, the national aggregate data is not presented because of the inclusion of veterinary use of pentobarbital.

(Mr. Joranson then presented charts, maps and graphs on distribution of pentobarbital. They appear at the end of this section.)

Hospitals total purchases of pentobarbital were 151,575 dosages by 118 hospitals, the largest purchase was 6,600 and the average was 1,284 dosages. Total purchases were nearly 5 times greater than hospital purchases of amobarbital. The average hospital purchase was twice as high as for amobarbital.

Practitioner total purchases were 138,600 dosages by 64 practitioners. The average purchase was 2,166, almost twice as high as the hospital average purchase. The highest purchase was 24,000 dosages.

In Summary, the 1976-77 decrease of 14.3% for pentobarbital in Wisconsin is less than the average national decrease of 23.7%. (These figures include pentobarbital for veterinary use.) Pharmacy decreases, which do not include veterinary use, dropped 31% during the same period, and is probably more accurate in describing Wisconsin's trend in prescribing pentobarbital. Overall purchases of pentobarbital are about 3 times as high as amobarbital.

Questions are raised about: a few moderately high pharmacy purchases; some high hospital utilization; and a very large practitioner purchase.

For secobarbital a national distribution is available, because the data is not "contaminated" by drugs of other classes or intended for non-human uses.

(Mr. Joranson presented the U.S. distribution of secobarbital; a U.S. surface map, and a rank order list, both of which appear at the end of this section.)

Within this distribution, Wisconsin ranks number 35. This means there are 34 states that have a higher per capita distribution of secobarbital than Wisconsin.

(Mr. Joranson then presented charts, maps and graphs of distribution of secobarbital in Wisconsin. They appear at the end of this section.)

The pharmacy purchases do not by themselves explain the high peaks, so we looked at practitioner purchases of secobarbital in the 549 area. (See Zip 549 graph of practitioner purchases of secobarbital.) Then, remembering earlier large amobarbital and pentobarbital purchases by practitioners in 549, we decided to aggregate all practitioner purchases. (See Zip 549 practitioner purchases of amobarbital, pentobarbital and secobarbital.)

Hospital total purchases were 167,550 dosages by 124 hospitals, average 1,351 dosages. Total purchases, number of hospitals and average purchases were all slightly ahead of pentobarbital.

Practitioner total purchases were 144,300 dosages by 64 practitioners. The average purchase was 2,255. The number of practitioners was equal to those purchasing pentobarbital, while total purchases and average purchases were slightly ahead of pentobarbital. There were several high purchases of 20,000 and 18,000 dosages, which you just saw aggregated in the zip area 549 graph.

In Summary, the 1976-77 trend in Wisconsin shows secobarbital decreasing by almost 40% compared to a national average decrease of 21%. Large decreases occurred in pharmacy, hospital and practitioner purchases.

Questions are raised by: high pharmacy purchases in 532 Milwaukee area; several high pharmacy purchases, especially in the northwest; hospital utilization; and very high practitioner purchases in the 549 area, particularly when aggregated with amobarbital and pentobarbital.

For methaqualone, a national distribution is available too.

(Mr. Joranson presented the U.S. distribution of methaqualone, a U.S. surface map and a rank order list, both of which appear at the end of this section.)

Within this distribution, Wisconsin ranks number 33. This means there are 32 states that have a higher per capita distribution of methaqualone than Wisconsin.

(Mr. Joranson then presented charts, maps and graphs of distribution of methaqualone in Wisconsin. They appear at the end of this section.)

Fifty-one hospitals purchased 30,300 dosages for an average of 594 dosages. There was one large hospital purchase of 5,400 dosages.

Eighteen practitioners purchased 8,800 dosages for an average of 489. There were no notably high purchases, however dentists are among those purchasing methaqualone.

In Summary, the 1976-77 trend in Wisconsin shows methaqualone decreasing by 25% compared to a national average decrease of 21%. In spite of large increases in 537 pharmacy purchases, the state-wide trend appears to be declining rapidly enough to produce an overall state decrease. Questions are raised by the high prescribing of methaqualone in 537."

Mr. Joranson closed his remarks by again cautioning everyone not to draw conclusions solely on the basis of this data and urged the adoption of these techniques as a tool for problem analysis on a wider scale.

VI Maps and Charts

- Figure 1 - Controlled Substances Monitoring System
- Figure 2 - Wisconsin Zip Code Zone Centers

Amobarbital

- Figure 3 - Amobarbital (gms.) - Wisconsin
- Figure 4 - Wisconsin Distribution of Amobarbital - 1977
- Figure 5 - Wisconsin Distribution of Amobarbital - 1977 - By Population Density
- Figure 6 - Pharmacy Purchases of Amobarbital - 1977- Zip Zone 545

Pentobarbital

- Figure 7 - Pentobarbital (gms.) - Wisconsin
- Figure 8 - Wisconsin Distribution of Pentobarbital - 1977
- Figure 9 - Wisconsin Distribution of Pentobarbital - 1977
- Figure 10 - Pharmacy Purchases of Pentobarbital - 1977 - Zip Zone 538
- Figure 11 - Pharmacy Purchases of Pentobarbital - 1977 - Zip Zone 540
- Figure 12 - Pharmacy Purchases of Pentobarbital - 1977 - Zip Zone 549
- Figure 13 - Pharmacy Purchases of Pentobarbital - 1977 - Zip Zone 532

Secobarbital

- Figure 14 - U.S. Distribution of Secobarbital - 1977 - By Population Density
- Figure 15 - U.S. Secobarbital Distribution to Retail Level - 1977
- Figure 16 - Secobarbital (gms.) - Wisconsin
- Figure 17 - Wisconsin Distribution of Secobarbital - 1977
- Figure 18 - Wisconsin Distribution of Secobarbital - 1977 - By Population Density
- Figure 19 - Pharmacy Purchases of Secobarbital - 1977 - Zip Zone 545
- Figure 20 - Pharmacy Purchases of Secobarbital - 1977 - Zip Zone 532
- Figure 21 - Pharmacy Purchases of Secobarbital - 1977 - Zip Zone 548
- Figure 22 - Pharmacy Purchases of Secobarbital - 1977 - Zip Zone 549
- Figure 23 - Practitioner Purchases of Secobarbital - 1977 - Zip Zone 549

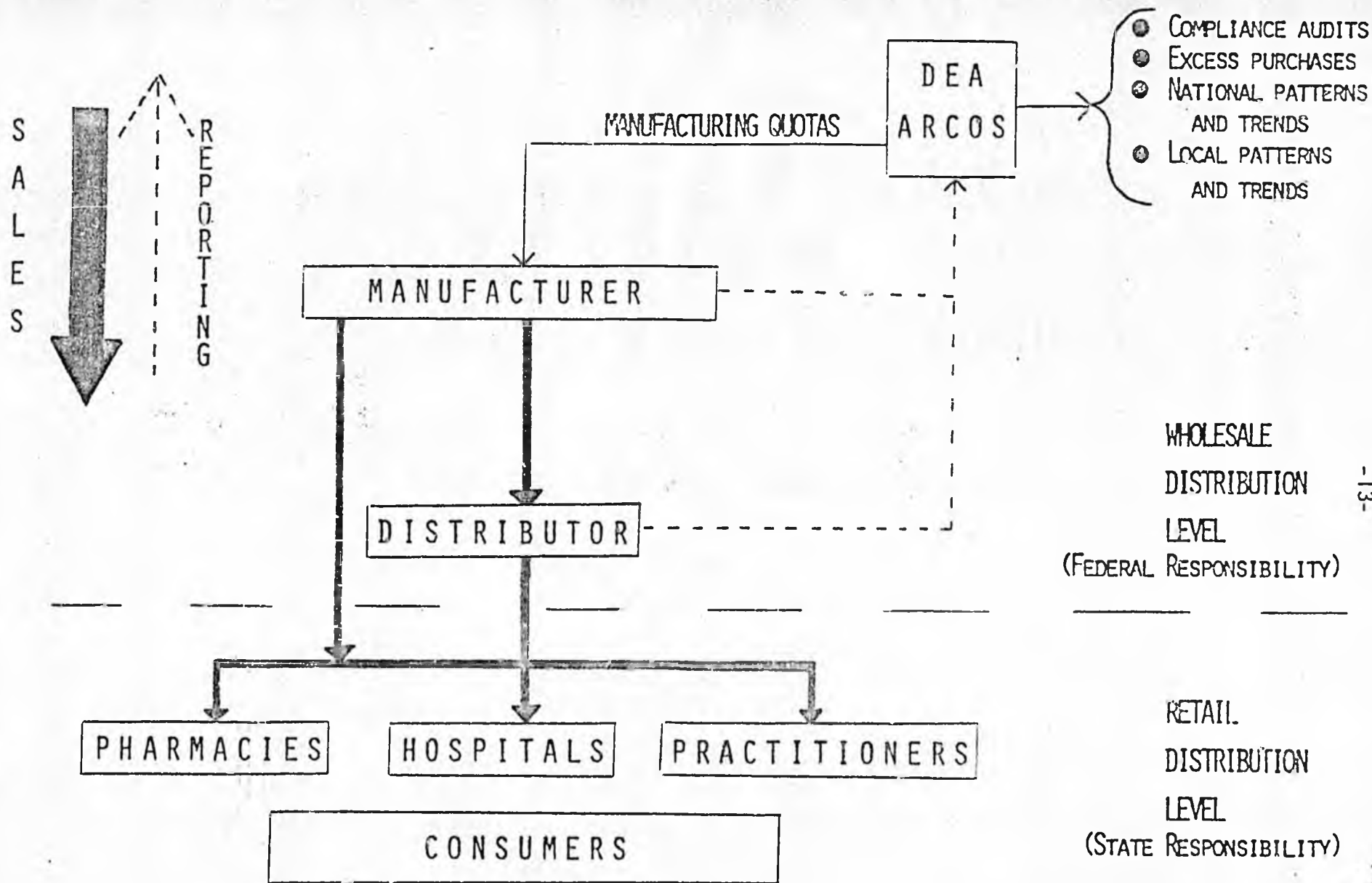
Amobarbital, Pentobarbital and Secobarbital

- Figure 24 - Practitioner Purchases of Amo-, Pento-, Seco-barbital - 1977 - Zip Zone 549

Methaqualone

- Figure 25 - U.S. Distribution of Methaqualone - 1977 - By Population Density
- Figure 26 - U.S. Methaqualone Distribution to Retail Level - 1977
- Figure 27 - Methaqualone (gms.) - Wisconsin
- Figure 28 - Wisconsin Distribution of Methaqualone - 1977
- Figure 29 - Wisconsin Distribution of Methaqualone - 1977 - By Population Density
- Figure 30 - Pharmacy Purchases of Methaqualone - 1977- Zip Zone 532
- Figure 31 - Pharmacy Purchases of Methaqualone - 1977 - Zip Zone 549
- Figure 32 - Pharmacy Purchases of Methaqualone - 1977 - Zip Zone 548
- Figure 33 - Pharmacy Purchases of Methaqualone - 1977 - Zip Zone 537
- Figure 34 - Pharmacy Purchases of Methaqualone, 300 mg. - in Zip Code Area 537 (Madison, Wisconsin) - 1975, 1976, 1977

CONTROLLED SUBSTANCES MONITORING SYSTEM



WHOLESALE  
DISTRIBUTION  
LEVEL  
(FEDERAL RESPONSIBILITY)

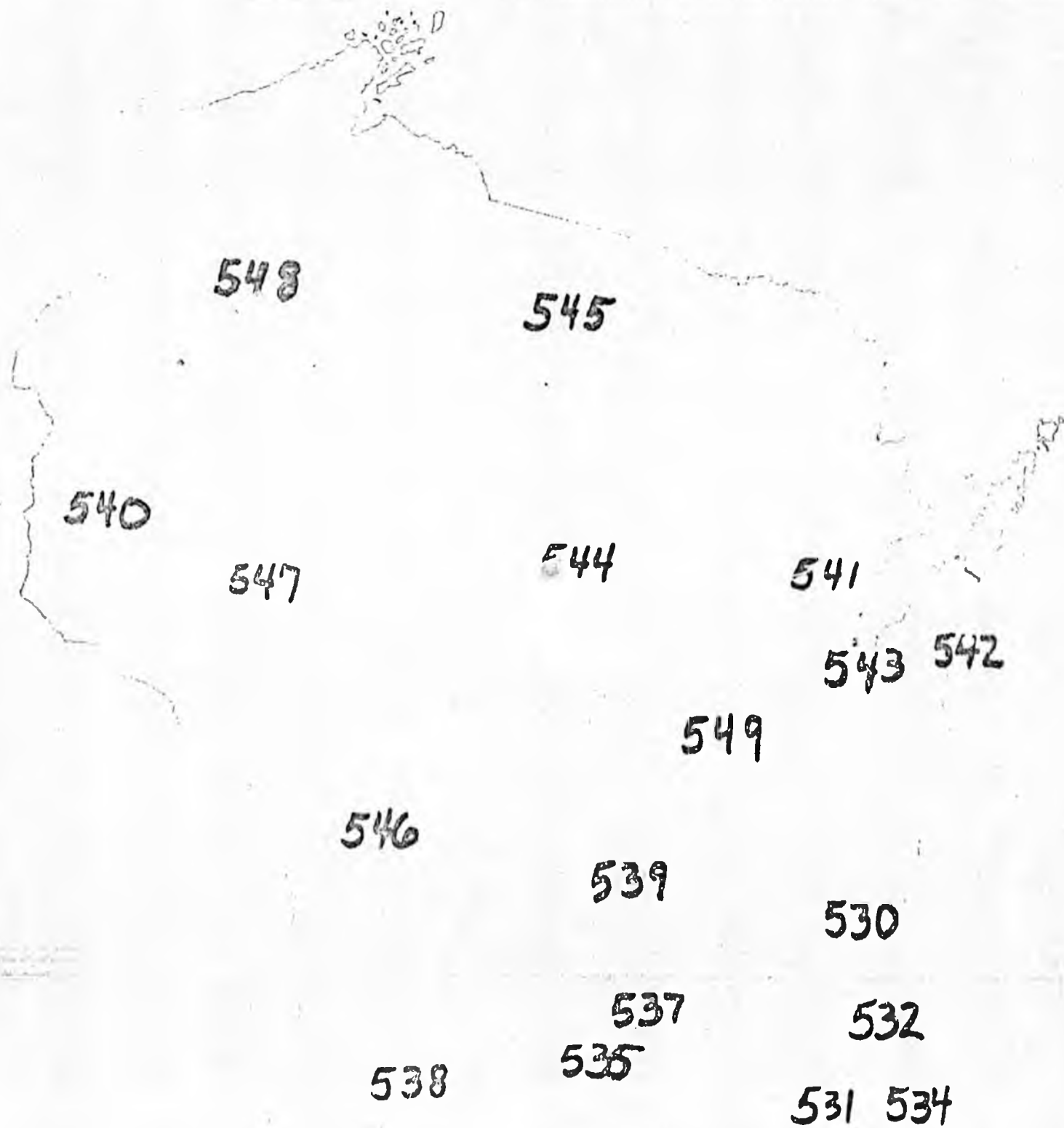
RETAIL  
DISTRIBUTION  
LEVEL  
(STATE RESPONSIBILITY)

-13-

Figure 1

INCLUDES ALL DRUGS  
IN SCHEDULE I, II AND  
NARCOTICS IN III.

# WISCONSIN ZIP CODE ZONE CENTERS

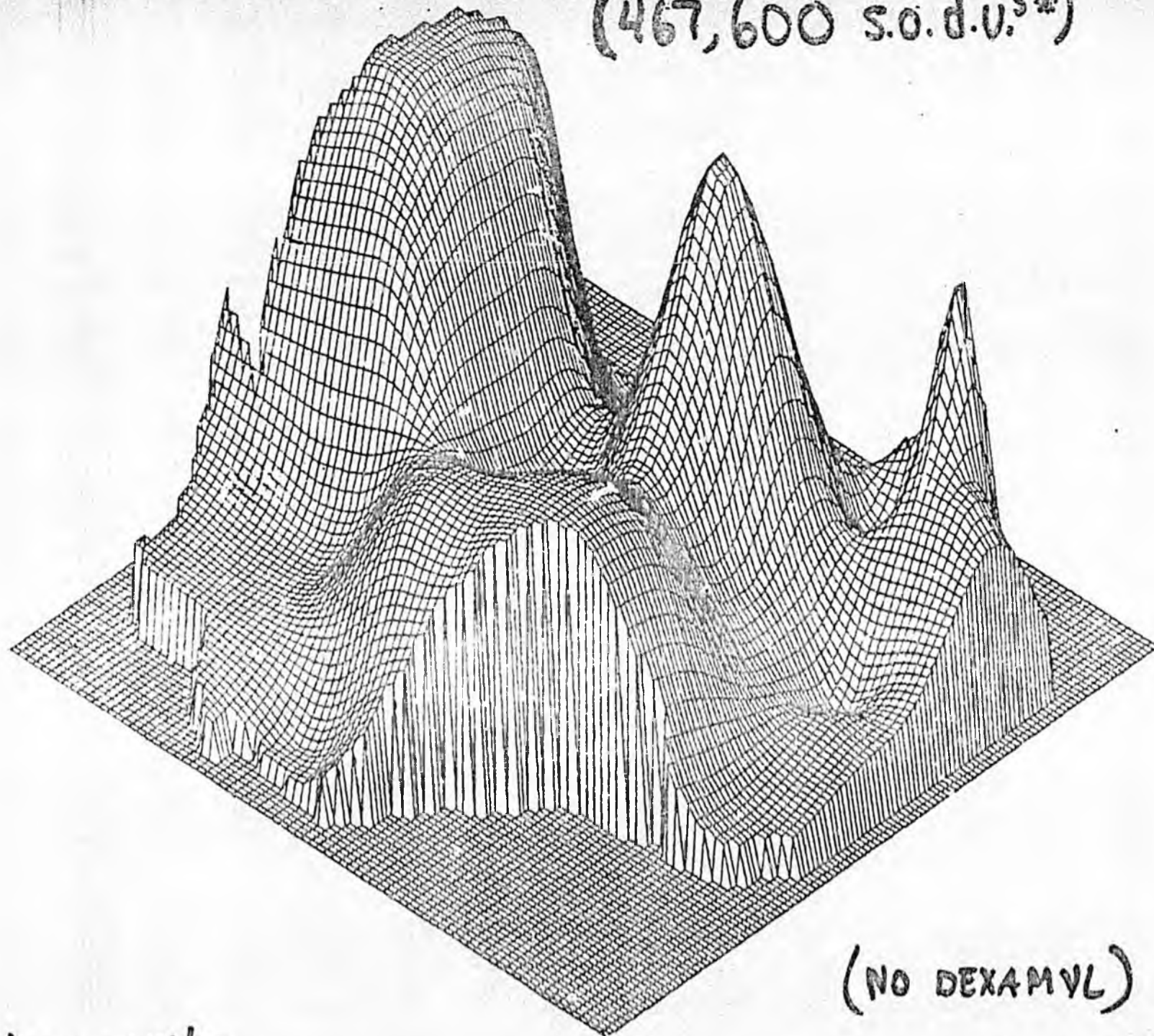


# Amobarbital (gms.)-Wis.

	1976	1977	
Pharmacy	71,664	44,335	-38%
Hospital/Clinic	7,624	5,334	-30%
Practitioner	5,604	3,000	-47%
<b>TOTAL</b>	<b>84,892</b>	<b>52,709</b>	
1976 - 1977 U.S. Trend			-26.1% (DEXAMYL)
1976 - 1977 Wis. Trend			-37.8% (DEXAMYL)

\*includes Teaching Institution - 40g

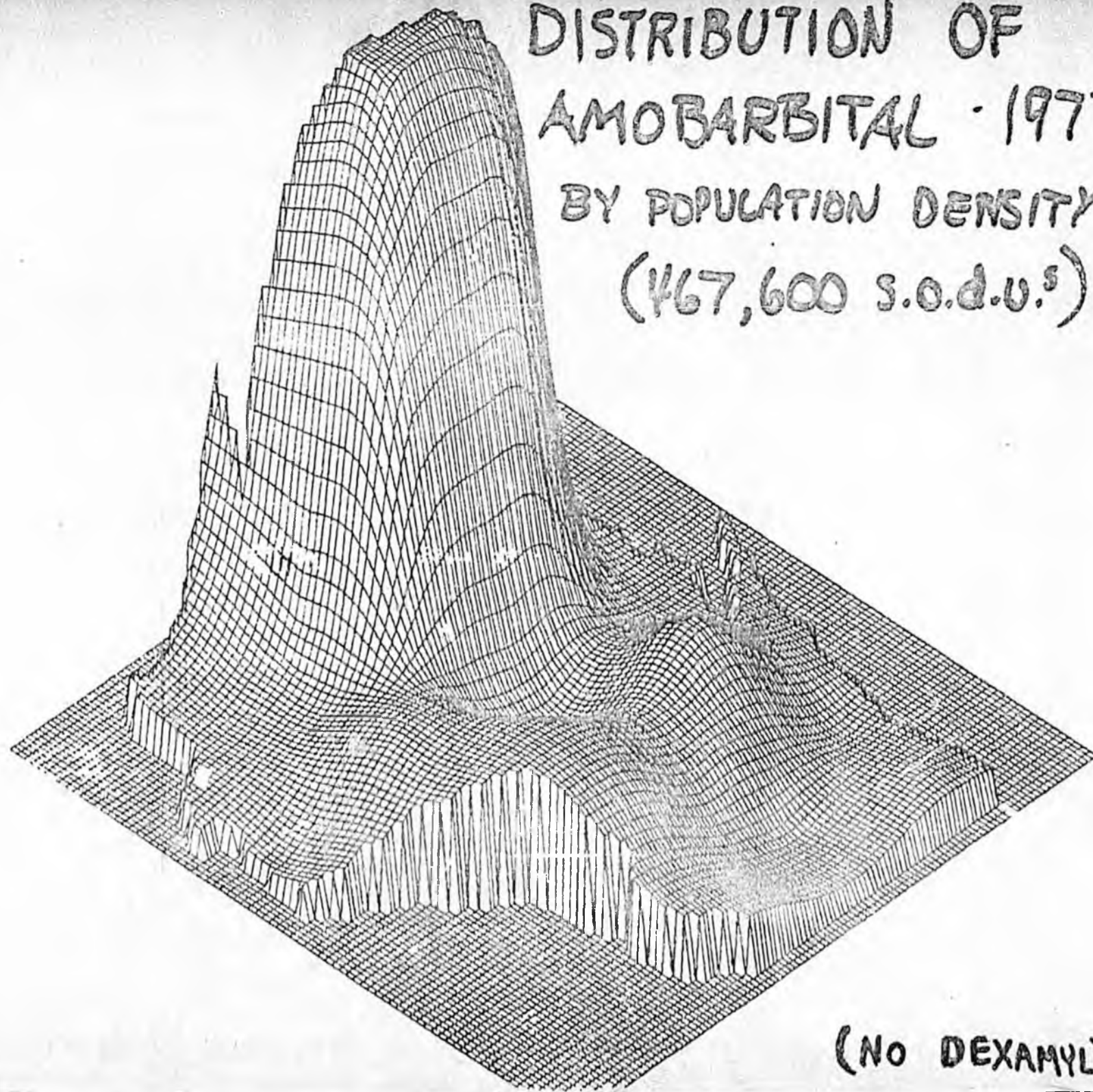
# DISTRIBUTION OF ANOBARBITAL - 1977 (467,600 s.o.d.u.s\*)



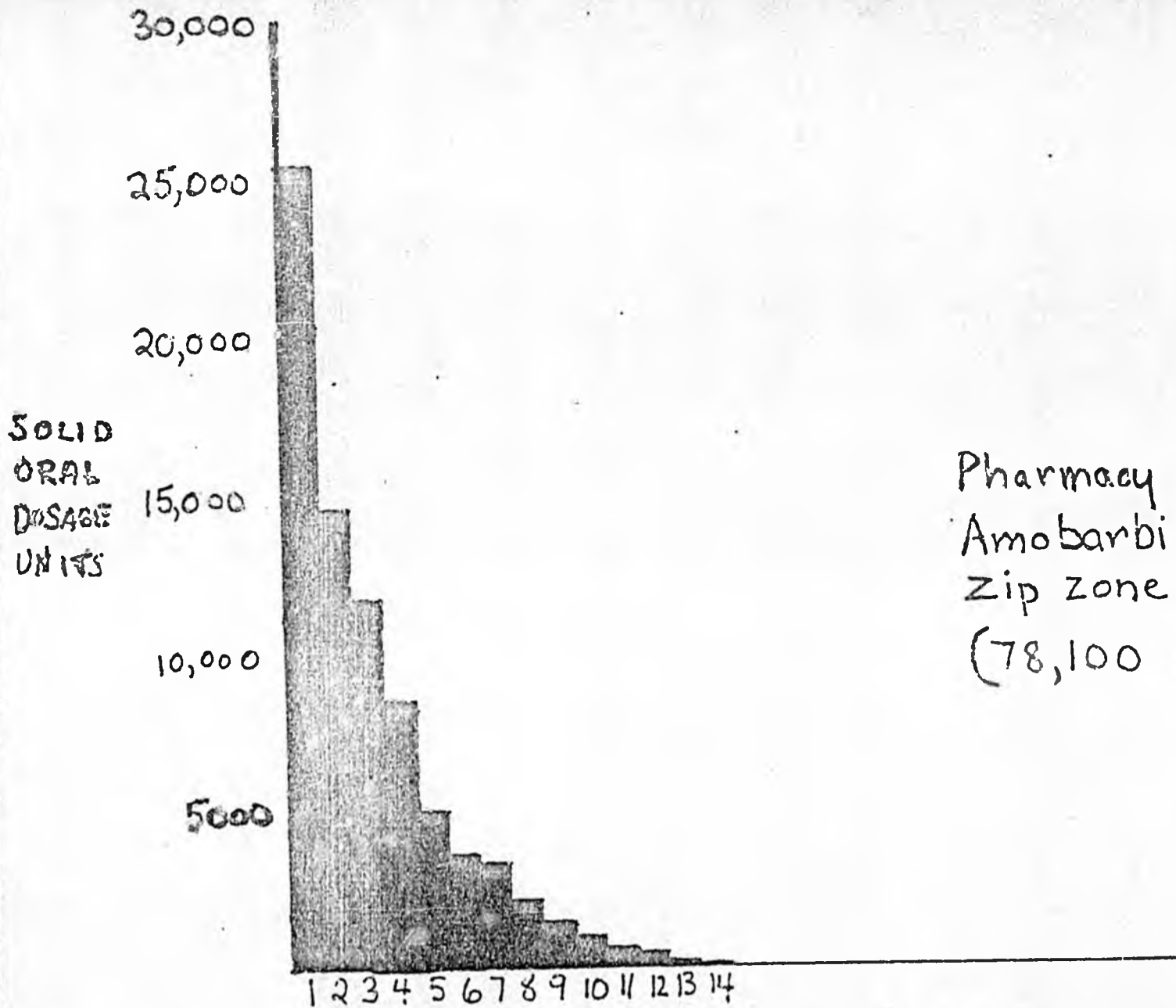
(NO DEXAMYL)

\* solid oral dosage units

DISTRIBUTION OF  
AMOBARBITAL - 1977  
BY POPULATION DENSITY  
(467,600 s.o.d.u.<sup>s</sup>)



(NO DEXAMYL)



Pharmacy Purchases of  
 Amobarbital, 1977,  
 Zip zone 545  
 (78,100 s.o.d.u.s)

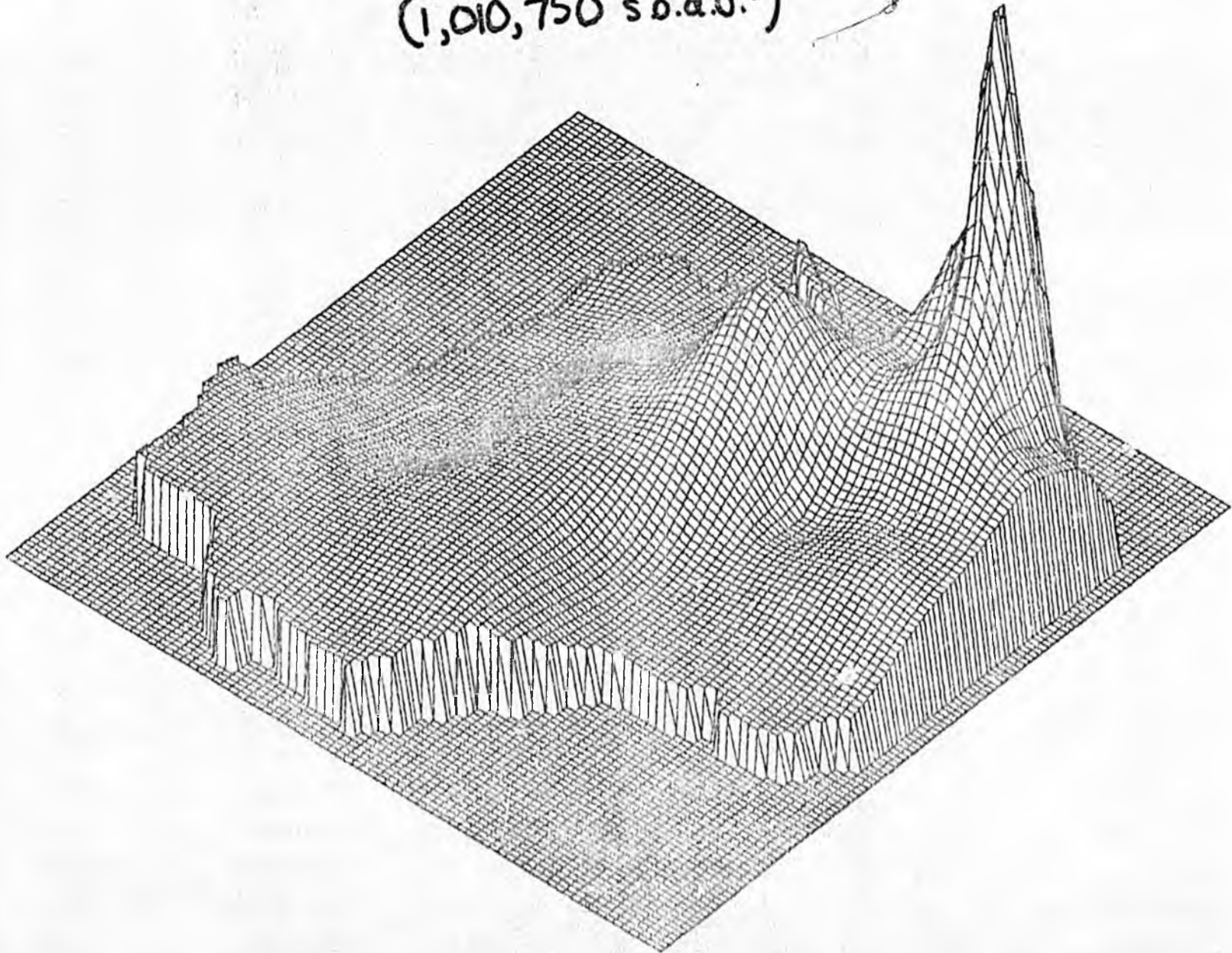
Figure 6

14 Pharmacies

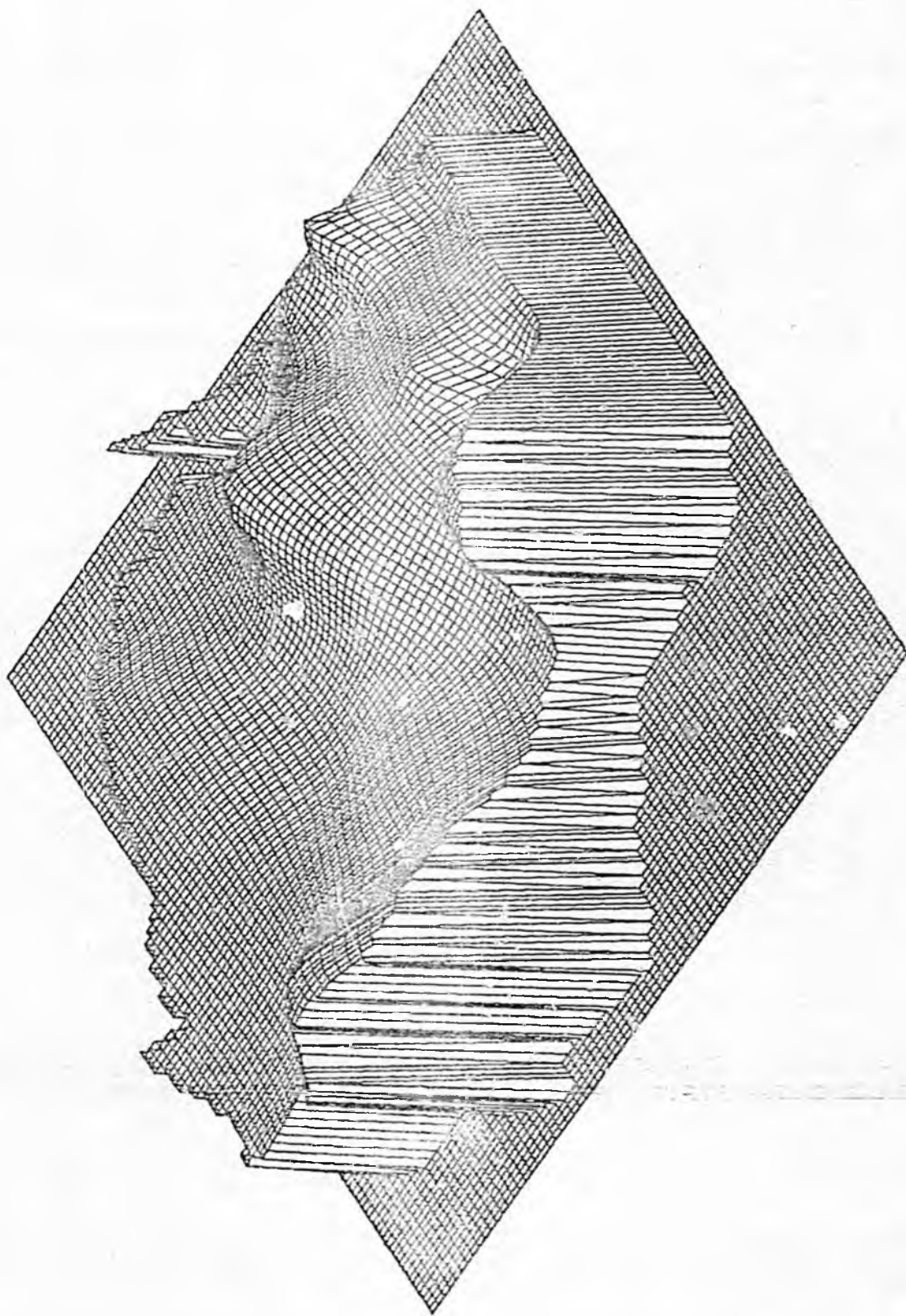
# Pentobarbital (gms.)-Wis.

	1976	1977	
Pharmacy	92,295	63,246	-31%
Hospital/Clinic	23,123	19,546	-16%
Practitioner	58,575	64,930	+10.9%
<b>TOTAL</b>	<b>173,990</b>	<b>147,722</b>	
1976-1977 U.S. Trend			-23.7% (vet. use)
1976-1977 Wis. Trend			-14.3% (vet. use)

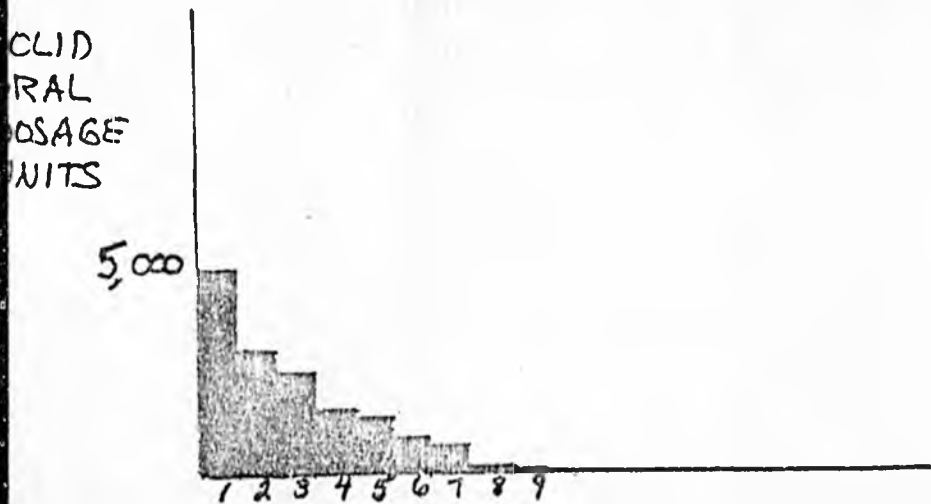
DISTRIBUTION- OF PENTOBARBITAL  
1977  
(1,010,750 s.o.d.u.'s)



DISTRIBUTION OF PENTOBARBITAL  
1977  
BY POPULATION DENSITY  
(1,010,750 s.o.d.u.'s)



Pharmacy Purchases of  
Pentobarbital, 1977  
zip zone 538  
(16,150 s.o.d.u.'s)



9 PHARMACIES

Figure 11

Pharmacy Purchases of  
Pentobarbital, 1977  
zip zone 540  
(22,900 s.o.d.u.'s)

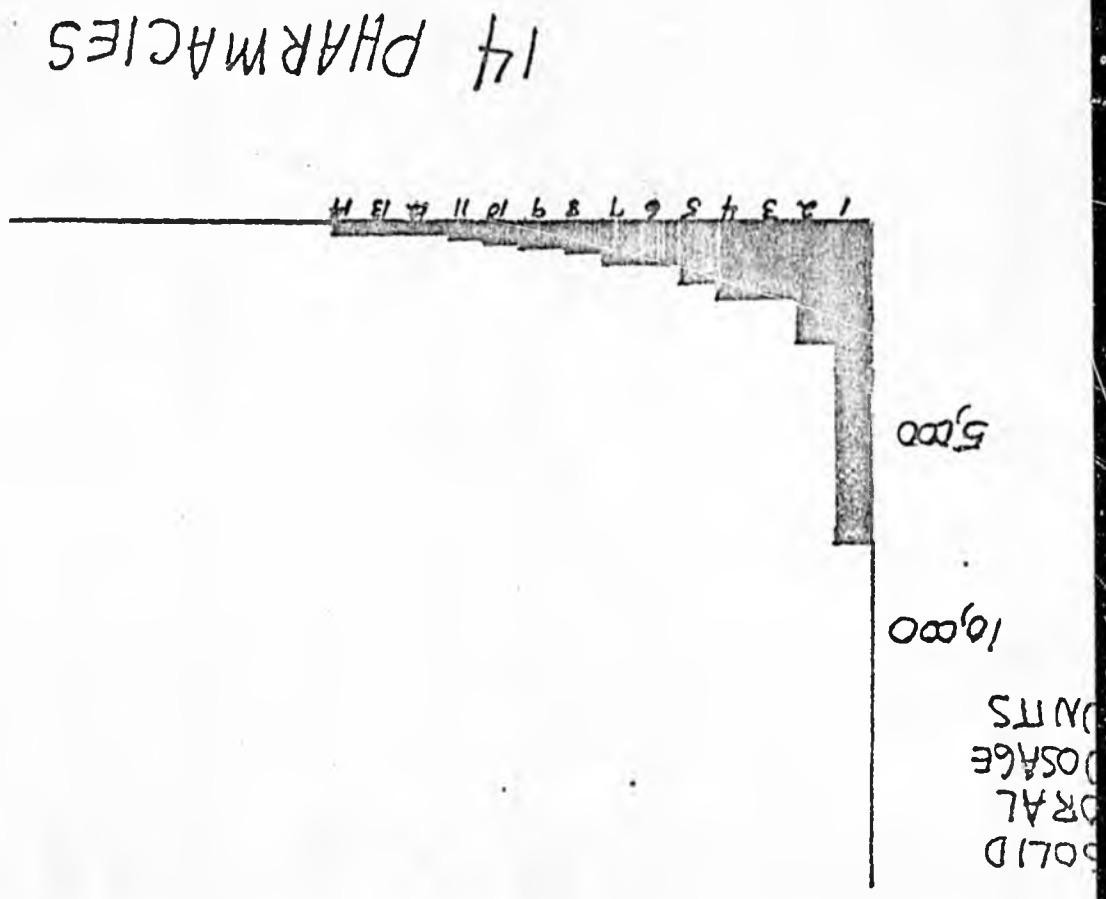


Figure 12

57 PHARMACIES



Pharmacy Purchases of  
 Pentobarbital, 1977  
 zip zone 549  
 (66,525 s.o.d.u.'s)

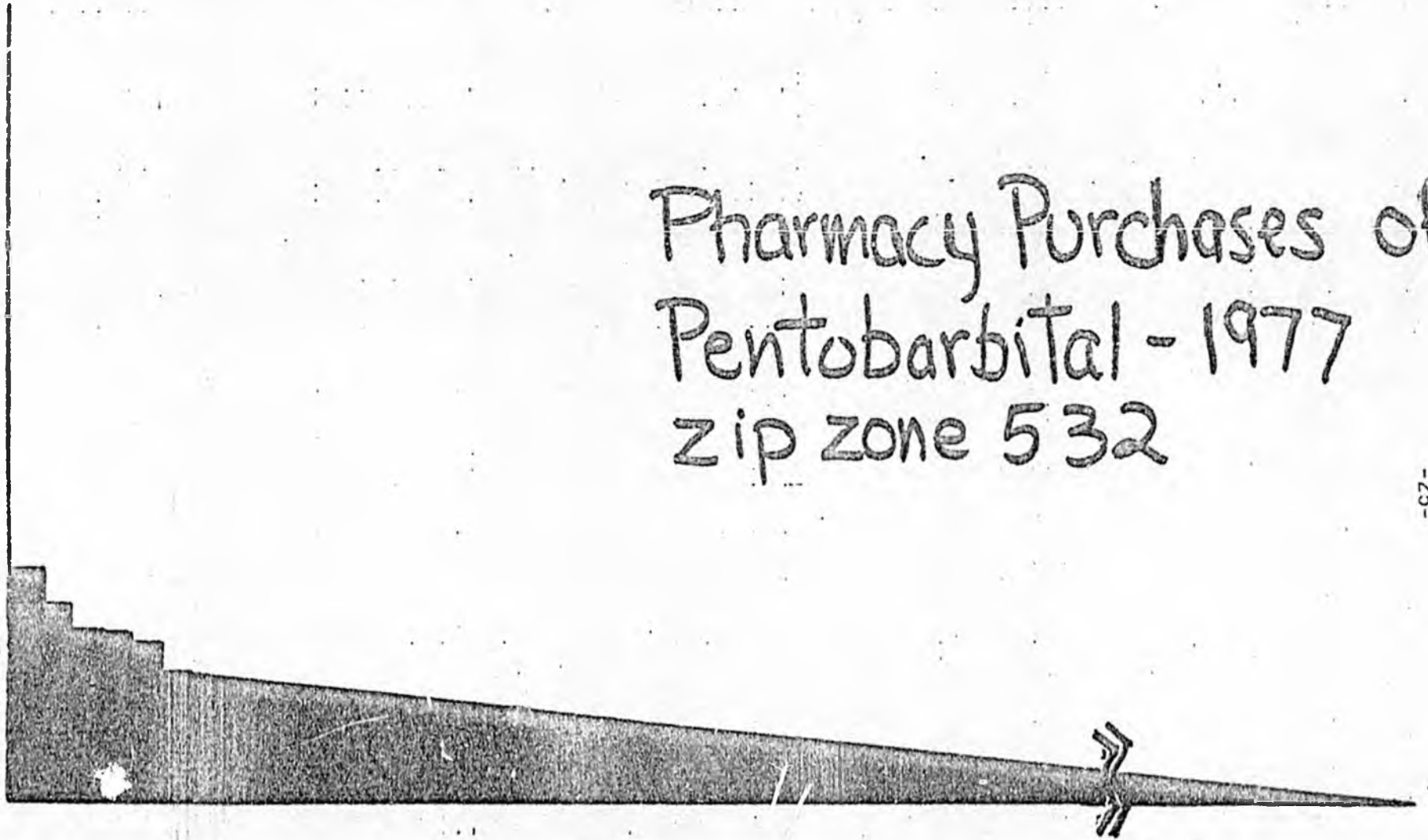
Pharmacy Purchases of  
Pentobarbital - 1977  
zip zone 532

-25-

SOLID  
ORAL  
DOSAGE  
UNITS

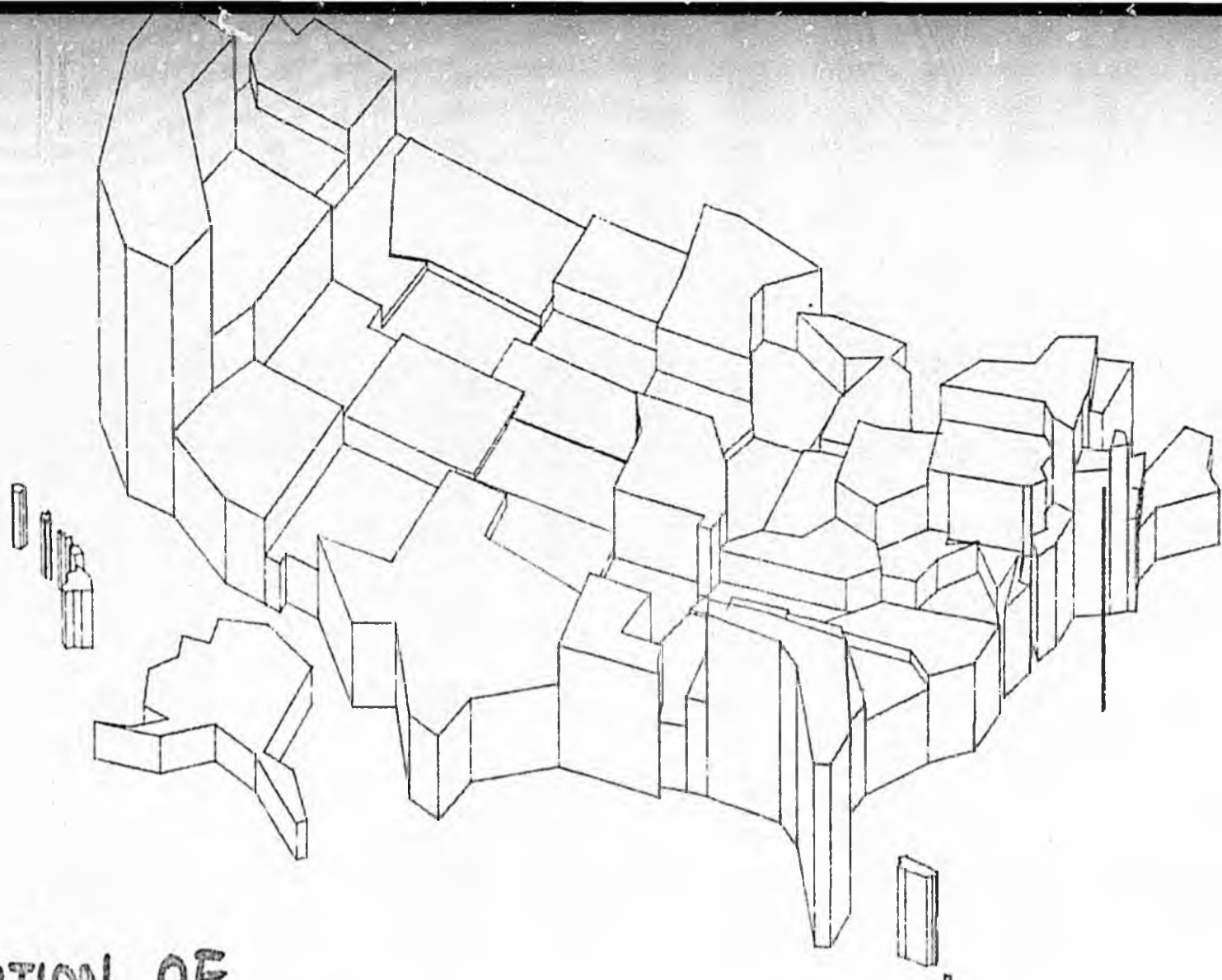
10,000

5,000



163 Pharmacies

Figure 13



DISTRIBUTION OF  
SECOBARBITAL - 1977  
BY POPULATION DENSITY  
(8,737,868 gms.)

U.S. SECOBARBITAL DISTRIBUTION TO RETAIL LEVEL-1977

<u>State</u>	<u>mg./capita</u>	<u>Total Purchases(in gms)</u>
1. California	81.7	1,757,209
2. Washington, D.C.	72.0	50,365
3. New York	61.4	1,110,605
4. Florida	60.0	503,437
5. Rhode Island	54.6	49,134
6. Vermont	54.1	17,057
7. Pennsylvania	50.1	596,350
8. Connecticut	47.5	147,304
9. Nevada	45.6	27,380
10. Ohio	45.3	484,875
11. Missouri	43.1	207,104
12. Minnesota	41.7	166,813
13. Louisiana	40.4	153,496
14. Washington	37.1	133,499
15. Michigan	36.5	332,195
16. New Jersey	33.8	246,921
17. Kentucky	33.0	112,107
18. Indiana	32.1	170,179
19. Alabama	31.0	114,768
20. West Virginia	30.6	55,091
21. Massachusetts	30.3	175,689
22. Georgia	30.0	149,911
23. Puerto Rico	29.1	8,740
24. Oregon	28.7	65,999
25. Maryland	28.6	117,150
26. North Carolina	28.5	145,506
27. Arizona	27.9	64,075
28. Texas	27.6	345,238
29. Iowa	27.5	79,898
30. Delaware	27.2	16,340

## Secobarbital(continued)1977

<u>State</u>	<u>mg./capita</u>	<u>Total Purchases(in gms)</u>
31. Colorado	25.5	66,232
32. Illinois	24.4	272,771
33. South Carolina	24.4	68,226
34. Nebraska	24.2	38,786
35. Wisconsin	23.9	109,917
36. Oklahoma	23.8	66,597
37. Kansas	23.7	54,417
38. New Hampshire	23.5	18,781
39. North Dakota	23.3	14,009
40. Tennessee	22.7	95,422
41. Utah	22.1	26,558
42. Mississippi	21.5	51,550
43. Virginia	20.7	103,442
44. Arkansas	20.5	43,097
45. Hawaii	18.6	16,771
46. Montana	18.1	14,490
47. Idaho	17.2	13,750
48. Maine	16.9	18,579
49. New Mexico	16.1	19,265
50. Wyoming	15.0	5,973
51. South Dakota	13.7	9,581
52. Alaska	12.2	4,878
53. Virgin Islands	1.1	341

SOURCE: Drug Enforcement Administration

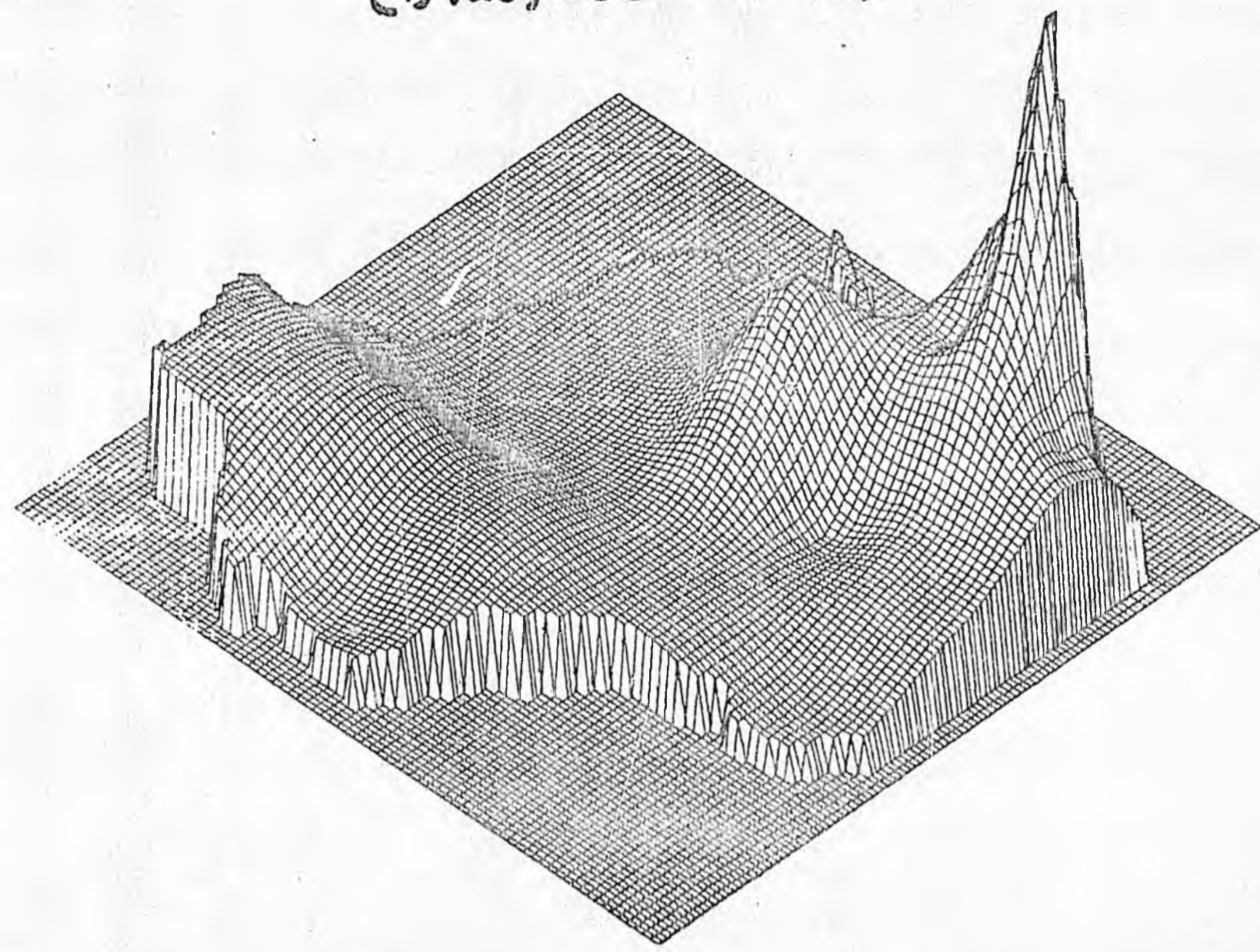
# Secobarbital (gms.)-Wis.

	1976	1977	
Pharmacy	126,014	83,638	-33%
Hospital/Clinic	21,369	14,077	-34%
Practitioner	34,689	11,841	-66%
<b>TOTAL</b>	<b>182,072</b>	<b>109,556</b>	
1976-1977 U.S. Trend		-21.2%	
1976-1977 Wis. Trend		-39.4%	

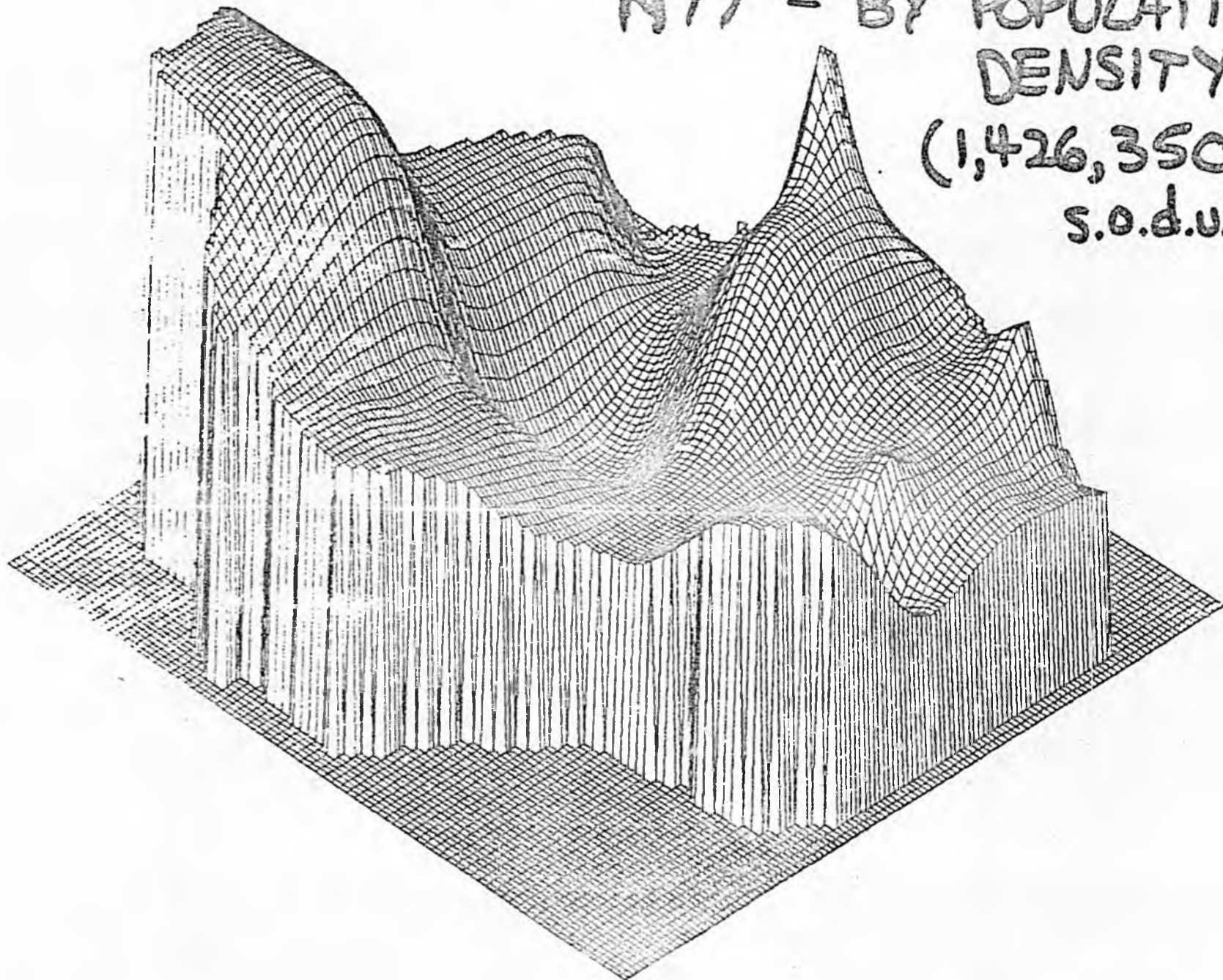
# DISTRIBUTION OF SECOBARBITAL

1977

(1,426,350 S.O.D.U.'S)



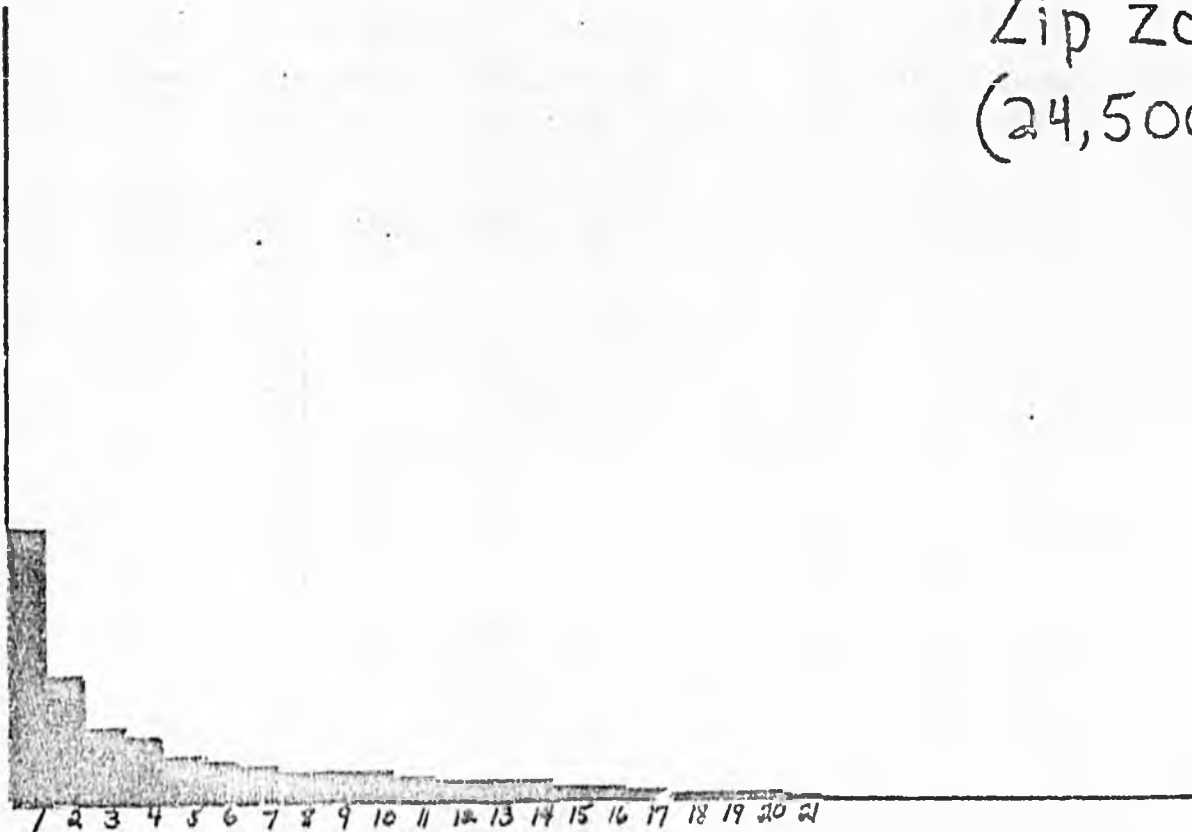
# DISTRIBUTION OF SECOBARBITAL 1977 - BY POPULATION DENSITY (1,426,350 s.o.d.u.'s)



Pharmacy Purchases of  
Secobarbital, 1977  
Zip zone 545  
(24,500 s.o.d.u.'s)

OLID  
RAL  
OSAGE  
NITS

5,000

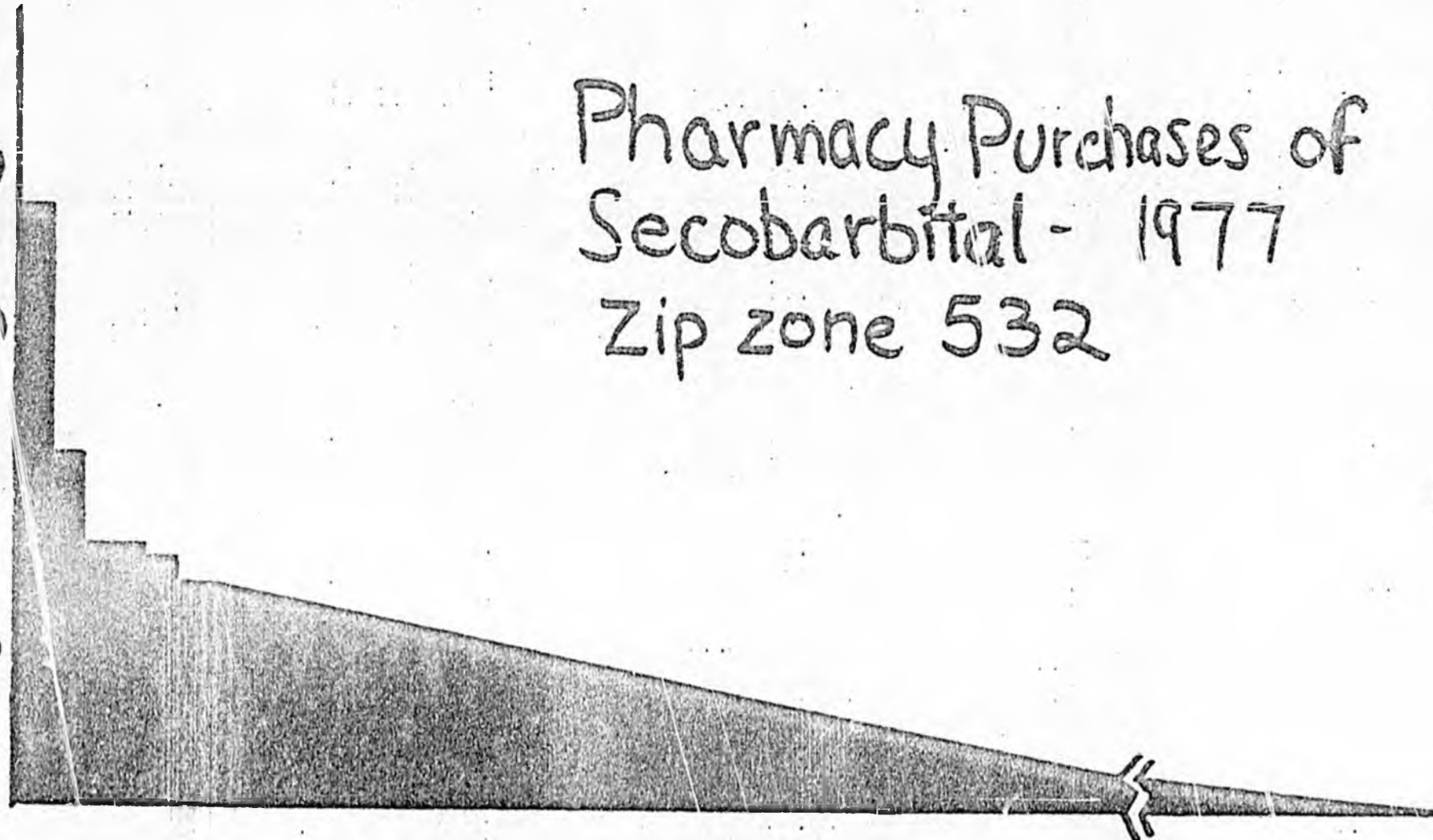


21 PHARMACIES

SOLID  
ORAL  
DOSAGE  
UNITS

20,000  
15,000  
10,000  
5,000

# Pharmacy Purchases of Secobarbital - 1977 Zip zone 532



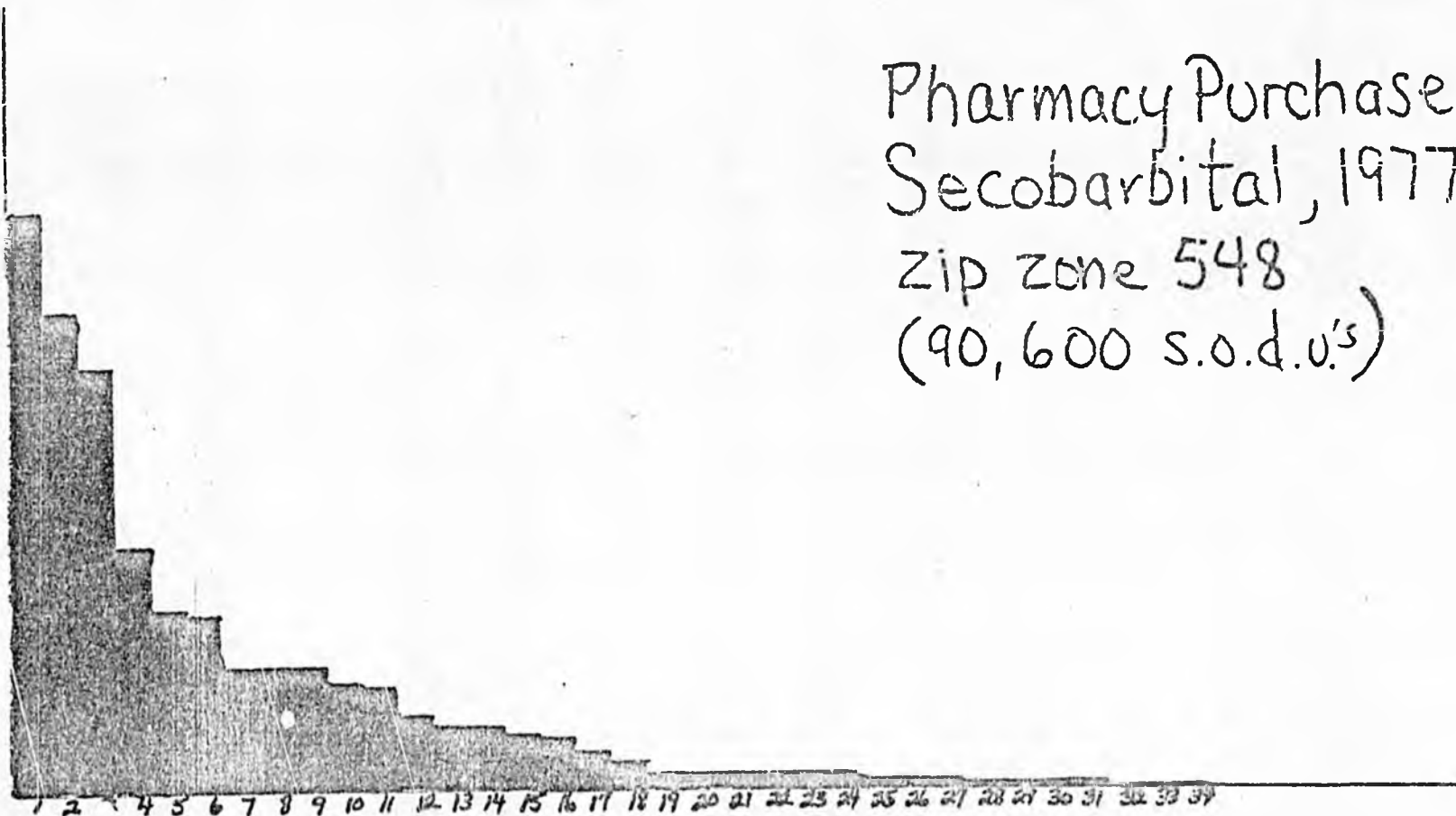
188 Pharmacies

SOLID  
ORAL  
DOSAGE  
UNITS

15,000

10,000

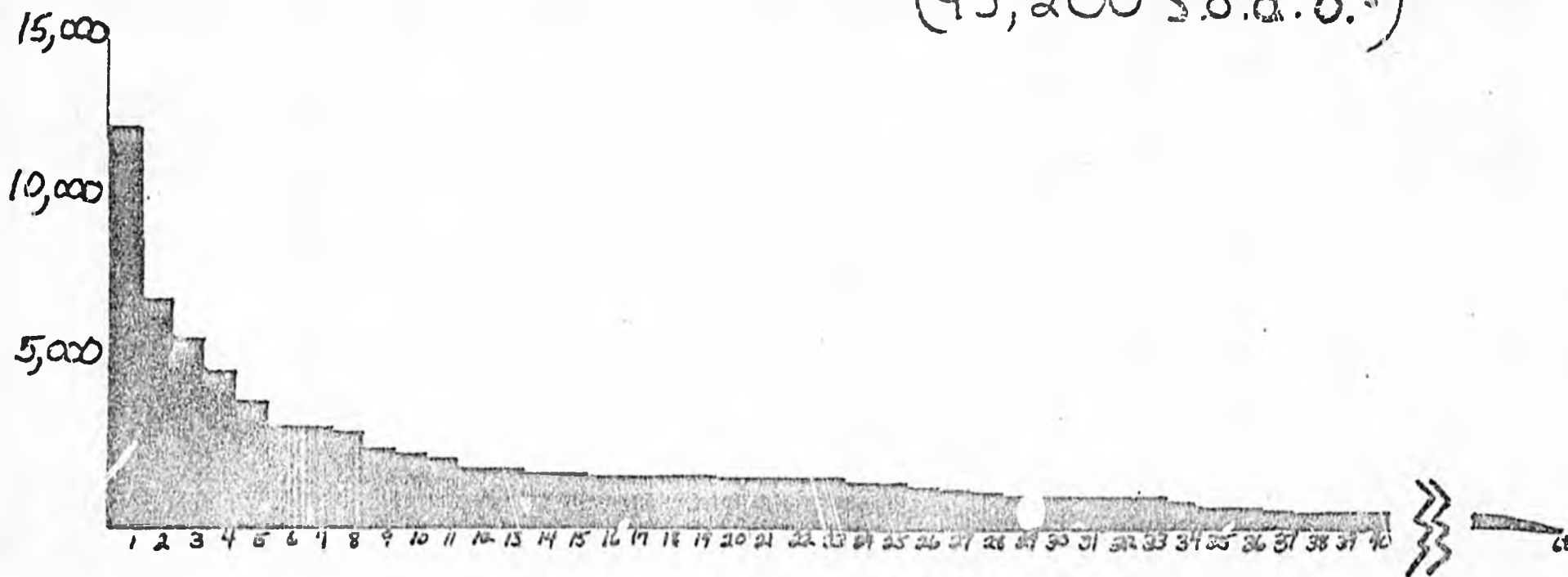
5,000



34 Pharmacies

Pharmacy Purchases of  
Secobarbital, 1977  
zip zone 549  
(95,200 s.o.d.u.'s)

SOLID  
ORAL  
DOSAGE  
UNITS

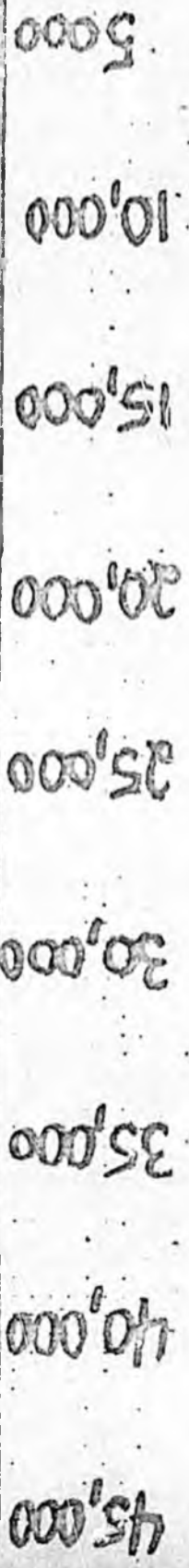


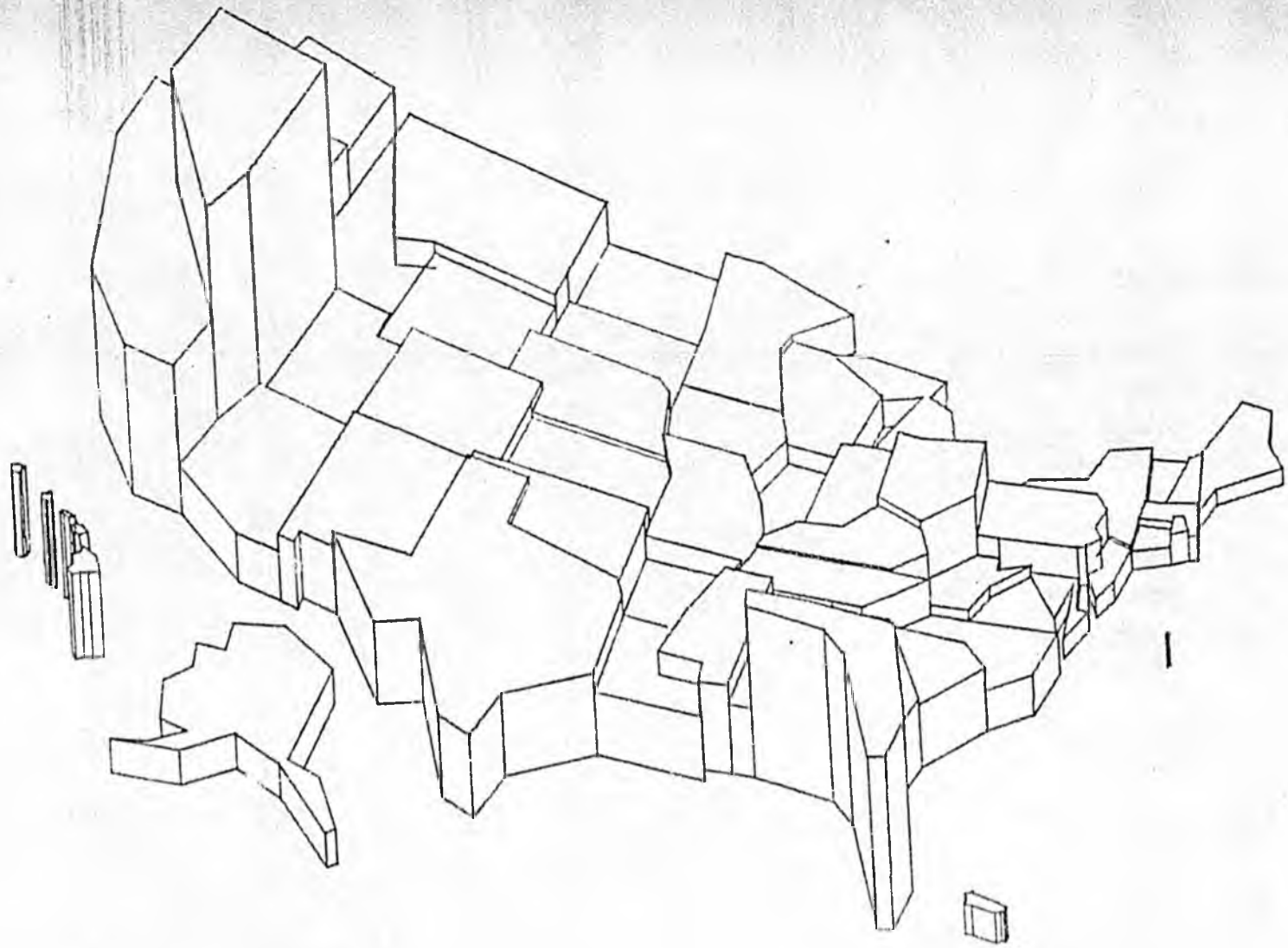
68 Pharmacies



# 10 PRACTITIONERS

Practitioner Purchases  
of Armo, Pento, Seco -  
barbital - 1977  
ZIP zone 549  
(86,100 s.o.d.u.'s)





DISTRIBUTION OF  
METHAQUALONE - 1977  
BY POPULATION DENSITY  
(13,464,575 gms)

U.S. METHAQUALONE DISTRIBUTION TO RETAIL LEVEL-1977

<u>State</u>	<u>mg./capita</u>	<u>Total Purchases (in gms)</u>
1. Nevada	267.9	160,760
2. Florida	177.6	1,491,918
3. California	154.6	3,323,664
4. Mississippi	90.5	217,235
5. Ohio	90.1	964,009
6. Hawaii	87.1	78,396
7. Texas	85.5	1,068,509
8. Kentucky	81.1	275,603
9. Oklahoma	79.4	222,214
10. Tennessee	78.1	328,071
11. Oregon	74.8	172,110
12. Alabama	70.9	262,263
13. Georgia	70.3	351,445
14. New Mexico	69.4	83,273
15. Indiana	69.2	366,699
16. Washington	68.1	245,331
17. Louisiana	65.9	250,412
18. Colorado	64.6	167,959
19. South Carolina	64.2	179,744
20. Missouri	62.9	301,832
21. Nebraska	57.2	91,583
22. Arizona	51.3	17,949
23. Kansas	51.2	17,655
24. Pennsylvania	49.8	592,358
25. Montana	48.8	39,055
26. North Carolina	40.9	225,075
27. Utah	40.4	48,501
28. Arkansas	39.4	82,731
29. Minnesota	38.8	155,242
30. Iowa	37.2	107,776
31. Wyoming	36.9	14,745

Methaqualone (continued) 1977

-40-

<u>State</u>	<u>mg./capita</u>	<u>Total Purchases (in gms)</u>
32. Alaska	36.2	14,465
33. Wisconsin	31.9	146,845
34. Washington, D.C.	31.4	21,995
35. Rhode Island	31.3	28,192
36. Puerto Rico	31.2	9,345
37. West Virginia	28.9	51,962
38. Michigan	28.0	254,777
39. Massachusetts	25.3	146,847
40. New York	23.9	431,721
41. Idaho	21.6	17,240
42. New Jersey	20.2	147,449
43. South Dakota	19.0	13,282
44. Connecticut	18.3	56,625
45. Maryland	18.0	73,676
46. Virginia	17.7	88,454
47. Maine	16.0	17,507
48. New Hampshire	15.8	12,608
49. Illinois	12.3	138,095
50. Vermont	11.5	5,744
51. Delaware	10.7	6,430
52. North Dakota	7.4	4,468
53. Virgin Islands	1.3	393

SOURCE: Drug Enforcement Administration

# Methaqualone (gms.)-Wis

	1976	1977	
Pharmacy	170,082	136,404	-20%
Hospital/Clinic	19,484	8,160	-58%
Practitioner	4,963	2,628	-47%
<b>TOTAL</b>	<b>194,529</b>	<b>147,192</b>	
1976-1977 U.S. Trend		-20.9%	
1976-1977 Wis. Trend		-24.5%	