

## [Cal Bus & Prof Code § 26057](#)

Deering's California Codes are current through Chapters 1-470, 472-525, 527-553, 555-563, 565-598, 600-625, 627-633, 635-658, 663, 666-685, 687-702, 704, 706-723, 727-742, 744-768, 770-779, 781-797, 802-825, 827-864, 866-895, 897-906, 908-926, 928-956, 959-973, 979-988, 991-999, 1001-1010, and 1012-1016 of the 2018 Regular Session, including all urgency legislation of the 2018 Regular Session.

*Deering's California Codes Annotated* > **BUSINESS & PROFESSIONS CODE** > **Division 10. Cannabis** > **Chapter 5. Licensing**

### Notice

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🚩 This section has more than one version with varying effective dates.

### § 26057. Denial of application [Effective January 1, 2019]

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(a) The licensing authority shall deny an application if either the applicant, or the premises for which a state license is applied, do not qualify for licensure under this division.

(b) The licensing authority may deny the application for licensure or renewal of a state license if any of the following conditions apply:

(1) Failure or inability to comply with the provisions of this division, any rule or regulation adopted pursuant to this division, or any requirement imposed to protect natural resources, including, but not limited to, protections for instream flow, water quality, and fish and wildlife.

(2) Conduct that constitutes grounds for denial of licensure under Chapter 2 (commencing with *Section 480*) of Division 1.5, except as otherwise specified in this section and [Section 26059](#).

(3) Failure to provide information required by the licensing authority.

(4) The applicant, owner, or licensee has been convicted of an offense that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, except that if the licensing authority determines that the applicant, owner, or licensee is otherwise suitable to be issued a license, and granting the license would not compromise public safety, the licensing authority shall conduct a thorough review of the nature of the crime, conviction, circumstances, and evidence of rehabilitation of the applicant or owner, and shall evaluate the suitability of the applicant, owner, or licensee to be issued a license based on the evidence found through the review. In determining which offenses are substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, the licensing authority shall include, but not be limited to, the following:

(A) A violent felony conviction, as specified in subdivision (c) of *Section 667.5 of the Penal Code*.

(B) A serious felony conviction, as specified in subdivision (c) of [Section 1192.7 of the Penal Code](#).

(C) A felony conviction involving fraud, deceit, or embezzlement.

(D) A felony conviction for hiring, employing, or using a minor in transporting, carrying, selling, giving away, preparing for sale, or peddling, any controlled substance to a minor; or selling, offering to sell, furnishing, offering to furnish, administering, or giving any controlled substance to a minor.

(E) A felony conviction for drug trafficking with enhancements pursuant to [Section 11370.4 or 11379.8 of the Health and Safety Code](#).

(5) Except as provided in subparagraphs (D) and (E) of paragraph (4) and notwithstanding Chapter 2 (commencing with [Section 480](#)) of Division 1.5, a prior conviction, where the sentence, including any term of probation, incarceration, or supervised release, is completed, for possession, possession for sale, sale, manufacture, transportation, or cultivation of a controlled substance is not considered substantially related, and shall not be the sole ground for denial of a license. Conviction for any controlled substance felony subsequent to licensure shall be grounds for revocation of a license or denial of the renewal of a license.

(6) The applicant, or any of its officers, directors, or owners, has been subject to fines, penalties, or otherwise been sanctioned for cultivation or production of a controlled substance on public or private lands pursuant to [Section 12025 or 12025.1 of the Fish and Game Code](#).

(7) The applicant, or any of its officers, directors, or owners, has been sanctioned by a licensing authority or a city, county, or city and county for unauthorized commercial cannabis activities, has had a license suspended or revoked under this division in the three years immediately preceding the date the application is filed with the licensing authority.

(8) Failure to obtain and maintain a valid seller's permit required pursuant to Part 1 (commencing with [Section 6001](#)) of [Division 2 of the Revenue and Taxation Code](#).

(9) Any other condition specified in law.

## History

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Adopted by voters, Prop. 64 § 6.1, effective November 9, 2016. Amended [Stats 2017 ch 27 § 45 \(SB 94\)](#), effective June 27, 2017. [Stats 2018 ch 92 § 23 \(SB 1289\)](#), effective January 1, 2019.

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## *Cal Health & Saf Code § 11358*

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*Deering's California Codes Annotated > HEALTH AND SAFETY CODE > Division 10 Uniform Controlled Substances Act > Chapter 6 Offenses and Penalties > Article 2 Cannabis*

### **§ 11358. Planting, harvesting, or processing**

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Each person who plants, cultivates, harvests, dries, or processes cannabis plants, or any part thereof, except as otherwise provided by law, shall be punished as follows:

- (a) Each person under the age of 18 who plants, cultivates, harvests, dries, or processes any cannabis plants shall be punished in the same manner provided in paragraph (1) of subdivision (b) of [Section 11357](#).
- (b) Each person at least 18 years of age but less than 21 years of age who plants, cultivates, harvests, dries, or processes not more than six living cannabis plants shall be guilty of an infraction and a fine of not more than one hundred dollars (\$100).
- (c) Each person 18 years of age or over who plants, cultivates, harvests, dries, or processes more than six living cannabis plants shall be punished by imprisonment in a county jail for a period of not more than six months or by a fine of not more than five hundred dollars (\$500), or by both that fine and imprisonment.
- (d) Notwithstanding subdivision (c), a person 18 years of age or over who plants, cultivates, harvests, dries, or processes more than six living cannabis plants, or any part thereof, except as otherwise provided by law, may be punished by imprisonment pursuant to subdivision (h) of *Section 1170 of the Penal Code* if any of the following conditions exist:
  - (1) The person has one or more prior convictions for an offense specified in clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of *Section 667 of the Penal Code* or for an offense requiring registration pursuant to subdivision (c) of *Section 290 of the Penal Code*.
  - (2) The person has two or more prior convictions under subdivision (c).
  - (3) The offense resulted in any of the following:
    - (A) Violation of [Section 1052 of the Water Code](#) relating to illegal diversion of water.
    - (B) Violation of [Section 13260](#), [13264](#), [13272](#), or [13387 of the Water Code](#) relating to discharge of water.
    - (C) Violation of [Section 5650](#) or [5652 of the Fish and Game Code](#) relating to waters of the state.

(D) Violation of [Section 1602 of the Fish and Game Code](#) relating to rivers, streams, and lakes.

(E) Violation of [Section 374.8 of the Penal Code](#) relating to hazardous substances or Section [25189.5](#), [25189.6](#), or [25189.7 of the Health and Safety Code](#) relating to hazardous waste.

(F) Violation of *Section 2080 of the Fish and Game Code* relating to endangered and threatened species or [Section 3513 of the Fish and Game Code](#) relating to the Migratory Bird Treaty Act, or [Section 2000 of the Fish and Game Code](#) relating to the unlawful taking of fish and wildlife.

(G) Intentionally or with gross negligence causing substantial environmental harm to public lands or other public resources.

## History

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Added Stats 1972 ch 1407 § 3. Amended Stats 1973 ch 1078 § 9, effective October 1, 1973; Stats 1976 ch 1139 § 72, operative July 1, 1977; [Stats 2011 ch 15 § 160 \(AB 109\)](#), effective April 4, 2011, operative October 1, 2011; Amendment approved by voters, Prop. 64 § 8.2, effective November 9, 2016; [Stats 2017 ch 27 § 123 \(SB 94\)](#), effective June 27, 2017.

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## *Cal Fish & G Code § 1602*

Deering's California Codes are current through all 1016 chapters of the 2018 Regular Session and the November 6, 2018 Ballot Measures.

*Deering's California Codes Annotated > FISH AND GAME CODE > Division 2 Department of Fish and Wildlife > Chapter 6 Fish and Wildlife Protection and Conservation*

### **§ 1602. Conditions allowing for substantial diversion or obstruction of natural flow, or for change or use of any material from bed, channel, or bank of river, stream, or lake**

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(a) An entity shall not substantially divert or obstruct the natural flow of, or substantially change or use any material from the bed, channel, or bank of, any river, stream, or lake, or deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake, unless all of the following occur:

(1) The department receives written notification regarding the activity in the manner prescribed by the department. The notification shall include, but is not limited to, all of the following:

(A) A detailed description of the project's location and a map.

(B) The name, if any, of the river, stream, or lake affected.

(C) A detailed project description, including, but not limited to, construction plans and drawings, if applicable.

(D) A copy of any document prepared pursuant to Division 13 (commencing with [Section 21000](#)) of the *Public Resources Code*.

(E) A copy of any other applicable local, state, or federal permit or agreement already issued.

(F) Any other information required by the department.

(2) The department determines the notification is complete in accordance with Chapter 4.5 (commencing with [Section 65920](#)) of *Division 1 of Title 7 of the Government Code*, irrespective of whether the activity constitutes a development project for the purposes of that chapter.

(3) The entity pays the applicable fees, pursuant to [Section 1609](#).

(4) One of the following occurs:

(A)

(i) The department informs the entity, in writing, that the activity will not substantially adversely affect an existing fish or wildlife resource, and that the entity may commence the activity without an agreement, if the entity conducts the activity as described in the notification, including any measures in the notification that are intended to protect fish and wildlife resources.

(ii) Each region of the department shall log the notifications of activities where no agreement is required. The log shall list the date the notification was received by the department, a brief description of the proposed activity, and the location of the activity. Each item shall remain on the log for one year. Upon written request by any person, a regional office shall send the log to that person monthly for one year. A request made pursuant to this clause may be renewed annually.

(B) The department determines that the activity may substantially adversely affect an existing fish or wildlife resource and issues a final agreement to the entity that includes reasonable measures necessary to protect the resource, and the entity conducts the activity in accordance with the agreement.

(C) A panel of arbitrators issues a final agreement to the entity in accordance with subdivision (b) of [Section 1603](#), and the entity conducts the activity in accordance with the agreement.

(D) The department does not issue a draft agreement to the entity within 60 days from the date notification is complete, and the entity conducts the activity as described in the notification, including any measures in the notification that are intended to protect fish and wildlife resources.

(b)

(1) If an activity involves the routine maintenance and operation of water supply, drainage, flood control, or waste treatment and disposal facilities, notice to and agreement with the department shall not be required after the initial notification and agreement, unless the department determines either of the following:

(A) The work described in the agreement has substantially changed.

(B) Conditions affecting fish and wildlife resources have substantially changed, and those resources are adversely affected by the activity conducted under the agreement.

(2) This subdivision applies only if notice to, and agreement with, the department was attained prior to January 1, 1977, and the department has been provided a copy of the agreement or other proof of the existence of the agreement that satisfies the department, if requested.

(c) Notwithstanding subdivision (a), the department is not required to determine whether the notification is complete or otherwise process the notification until the department has received the applicable fees.

(d)

(1) Notwithstanding subdivision (a), an entity shall not be required to obtain an agreement with the department pursuant to this chapter for activities authorized by a license or renewed license for cannabis cultivation issued by the Department of Food and Agriculture for the term of the license or renewed license if all of the following occur:

(A) The entity submits all of the following to the department:

(i) The written notification described in paragraph (1) of subdivision (a).

(ii) A copy of the license or renewed license for cannabis cultivation issued by the Department of Food and Agriculture that includes the requirements specified in Section 26060.1 of the Business and Professions Code.

(iii) The fee specified in paragraph (3) of subdivision (a).

(B) The department determines in its sole discretion that compliance with the requirements specified in Section 26060.1 of the Business and Professions Code that are included in the license will adequately protect existing fish and wildlife resources that may be substantially adversely affected by the cultivation without the need for additional measures that the department would include in a draft streambed alteration agreement in accordance with [Section 1603](#).

(C) The department notifies the entity in writing that the exemption applies to the cultivation authorized by the license or renewed license.

(2) The department shall notify the entity in writing whether the exemption in paragraph (1) applies to the cultivation authorized by the license or renewed license within 60 days from the date that the notification is complete and the fee has been paid.

(3) If an entity receives an exemption pursuant to this subdivision and fails to comply with any of the requirements described in Section 26060.1 of the Business and Professions Code that are included in the license, the failure shall constitute a violation under this section, and the department shall notify the Department of Food and Agriculture of any enforcement action taken.

(e) It is unlawful for any entity to violate this chapter.

## History

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Added Stats 2003 ch 736 § [2 \(SB 418\)](#). Amended [Stats 2016 ch 32 § 58 \(SB 837\)](#), effective June 27, 2016. [Stats 2016 ch 340 § 1.5 \(SB 839\)](#), effective September 13, 2016. [Stats 2017 ch 27 § 108 \(SB 94\)](#), effective June 27, 2017.

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## *Cal Fish & G Code § 5650*

Deering's California Codes are current through all 1016 chapters of the 2018 Regular Session and the November 6, 2018 Ballot Measures.

*Deering's California Codes Annotated > FISH AND GAME CODE > Division 6 Fish > Part 1 Generally > Chapter 2 Pollution > Article 1 General*

### **§ 5650. Prohibition on discharge of specified substances; Exceptions; Affirmative defense**

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(a) Except as provided in subdivision (b), it is unlawful to deposit in, permit to pass into, or place where it can pass into the waters of this state any of the following:

- (1) Any petroleum, acid, coal or oil tar, lampblack, aniline, asphalt, bitumen, or residuary product of petroleum, or carbonaceous material or substance.
- (2) Any refuse, liquid or solid, from any refinery, gas house, tannery, distillery, chemical works, mill, or factory of any kind.
- (3) Any sawdust, shavings, slabs, or edgings.
- (4) Any factory refuse, lime, or slag.
- (5) Any cocculus indicus.
- (6) Any substance or material deleterious to fish, plant life, mammals, or bird life.

(b) This section does not apply to a discharge or a release that is expressly authorized pursuant to, and in compliance with, the terms and conditions of a waste discharge requirement pursuant to [Section 13263 of the Water Code](#) or a waiver issued pursuant to subdivision (a) of [Section 13269 of the Water Code](#) issued by the State Water Resources Control Board or a regional water quality control board after a public hearing, or that is expressly authorized pursuant to, and in compliance with, the terms and conditions of a federal permit for which the State Water Resources Control Board or a regional water quality control board has, after a public hearing, issued a water quality certification pursuant to [Section 13160 of the Water Code](#). This section does not confer additional authority on the State Water Resources Control Board, a regional water quality control board, or any other entity.

(c) It shall be an affirmative defense to a violation of this section if the defendant proves, by a preponderance of the evidence, all of the following:

- (1) The defendant complied with all applicable state and federal laws and regulations requiring that the discharge or release be reported to a government agency.
- (2) The substance or material did not enter the waters of the state or a storm drain that discharges into the waters of the state.
- (3) The defendant took reasonable and appropriate measures to effectively mitigate the discharge or release in a timely manner.



(d)The affirmative defense in subdivision (c) does not apply and may not be raised in an action for civil penalties or injunctive relief pursuant to [Section 5650.1](#).

(e)The affirmative defense in subdivision (c) does not apply and may not be raised by any defendant who has on two prior occasions in the preceding five years, in any combination within the same county in which the case is prosecuted, either pleaded nolo contendere, been convicted of a violation of this section, or suffered a judgment for a violation of this section or [Section 5650.1](#). This subdivision shall apply only to cases filed on or after January 1, 1997.

(f)The affirmative defense in subdivision (c) does not apply and may not be raised by the defendant in any case in which a district attorney, city attorney, or Attorney General alleges, and the court finds, that the defendant acted willfully.

## History

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Enacted 1957. Amended [Stats 1996 ch 1122 § 1 \(SB 649\)](#); [Stats 1997 ch 766 § 1 \(AB 11\)](#), effective October 8, 1997; [Stats 2006 ch 296 § 3 \(AB 2485\)](#), effective January 1, 2007; [Stats 2007 ch 130 § 96 \(AB 299\)](#), effective January 1, 2008.

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## *Cal Fish & G Code § 5652*

Deering's California Codes are current through all 1016 chapters of the 2018 Regular Session and the November 6, 2018 Ballot Measures.

*Deering's California Codes Annotated* > *FISH AND GAME CODE* > *Division 6 Fish* > *Part 1 Generally* > *Chapter 2 Pollution* > *Article 1 General*

### **§ 5652. Illegal deposit of refuse in waters of state; Presumption on abandonment of motor vehicle, and liability for cost of removal; Exceptions**

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(a) It is unlawful to deposit, permit to pass into, or place where it can pass into the waters of the state, or to abandon, dispose of, or throw away, within 150 feet of the high water mark of the waters of the state, any cans, bottles, garbage, motor vehicle or parts thereof, rubbish, litter, refuse, waste, debris, or the viscera or carcass of any dead mammal, or the carcass of any dead bird.

(b) The abandonment of any motor vehicle in any manner that violates this section shall constitute a rebuttable presumption affecting the burden of producing evidence that the last registered owner of record, not having complied with [Section 5900 of the Vehicle Code](#), is responsible for that abandonment and is thereby liable for the cost of removal and disposition of the vehicle. This section prohibits the placement of a vehicle body on privately owned property along a streambank by the property owner or tenant for the purpose of preventing erosion of the streambank.

(c) This section does not apply to a refuse disposal site that is authorized by the appropriate local agency having jurisdiction or to the depositing of those materials in a container from which the materials are routinely removed to a legal point of disposal.

(d) This section shall be enforced by all law enforcement officers of this state.

### **History**

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Added Stats 1961 ch 1061 § 1. Amended Stats 1967 ch 558 § 1; Stats 1970 ch 665 § 1; Stats 1972 ch 403 § 1; [Stats 1997 ch 693 § 1 \(SB 614\)](#), effective October 6, 1997; [Stats 2007 ch 285 § 107 \(AB 1729\)](#), effective January 1, 2008.

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## *Cal Health & Saf Code § 11359*

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*Deering's California Codes Annotated* > **HEALTH AND SAFETY CODE** > *Division 10 Uniform Controlled Substances Act* > *Chapter 6 Offenses and Penalties* > *Article 2 Cannabis*

### **§ 11359. Possession for sale**

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Every person who possesses for sale any cannabis, except as otherwise provided by law, shall be punished as follows:

- (a) Every person under the age of 18 who possesses cannabis for sale shall be punished in the same manner provided in paragraph (1) of subdivision (b) of [Section 11357](#).
- (b) Every person 18 years of age or over who possesses cannabis for sale shall be punished by imprisonment in a county jail for a period of not more than six months or by a fine of not more than five hundred dollars (\$500), or by both such fine and imprisonment.
- (c) Notwithstanding subdivision (b), a person 18 years of age or over who possesses cannabis for sale may be punished by imprisonment pursuant to subdivision (h) of *Section 1170 of the Penal Code* if:
  - (1) The person has one or more prior convictions for an offense specified in clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of *Section 667 of the Penal Code* or for an offense requiring registration pursuant to subdivision (c) of *Section 290 of the Penal Code*;
  - (2) The person has two or more prior convictions under subdivision (b); or
  - (3) The offense occurred in connection with the knowing sale or attempted sale of cannabis to a person under the age of 18 years.
- (d) Notwithstanding subdivision (b), a person 21 years of age or over who possesses cannabis for sale may be punished by imprisonment pursuant to subdivision (h) of *Section 1170 of the Penal Code* if the offense involves knowingly hiring, employing, or using a person 20 years of age or younger in unlawfully cultivating, transporting, carrying, selling, offering to sell, giving away, preparing for sale, or peddling any cannabis.

### **History**

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Added Stats 1972 ch 1407 § 3. Amended Stats 1973 ch 1078 § 10, effective October 1, 1973; Stats 1976 ch 1139 § 73, operative July 1, 1977; [Stats 2011 ch 15 § 161 \(AB 109\)](#), effective April 4, 2011, operative

October 1, 2011; Amendment approved by voters, Prop. 64 § 8.3, effective November 9, 2016; [Stats 2017 ch 27 § 124 \(SB 94\)](#), effective June 27, 2017.

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## *Cal Health & Saf Code § 11360*

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*Deering's California Codes Annotated > HEALTH AND SAFETY CODE > Division 10 Uniform Controlled Substances Act > Chapter 6 Offenses and Penalties > Article 2 Cannabis*

### **§ 11360. Unlawful transportation, importation, sale, or gift**

(a) Except as otherwise provided by this section or as authorized by law, every person who transports, imports into this state, sells, furnishes, administers, or gives away, or offers to transport, import into this state, sell, furnish, administer, or give away, or attempts to import into this state or transport any cannabis shall be punished as follows:

(1) Persons under the age of 18 years shall be punished in the same manner as provided in paragraph (1) of subdivision (b) of [Section 11357](#).

(2) Persons 18 years of age or over shall be punished by imprisonment in a county jail for a period of not more than six months or by a fine of not more than five hundred dollars (\$500), or by both such fine and imprisonment.

(3) Notwithstanding paragraph (2), a person 18 years of age or over may be punished by imprisonment pursuant to subdivision (h) of *Section 1170 of the Penal Code* for a period of two, three, or four years if:

(A) The person has one or more prior convictions for an offense specified in clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of *Section 667 of the Penal Code* or for an offense requiring registration pursuant to subdivision (c) of *Section 290 of the Penal Code*;

(B) The person has two or more prior convictions under paragraph (2);

(C) The offense involved the knowing sale, attempted sale, or the knowing offer to sell, furnish, administer, or give away cannabis to a person under the age of 18 years; or

(D) The offense involved the import, offer to import, or attempted import into this state, or the transport for sale, offer to transport for sale, or attempted transport for sale out of this state, of more than 28.5 grams of cannabis or more than four grams of concentrated cannabis.

(b) Except as authorized by law, every person who gives away, offers to give away, transports, offers to transport, or attempts to transport not more than 28.5 grams of cannabis, other than concentrated cannabis, is guilty of an infraction and shall be punished by a fine of not more than one hundred dollars (\$100). In any case in which a person is arrested for a violation of this subdivision and does not demand to be taken before a magistrate, that person shall be released by the arresting officer upon

presentation of satisfactory evidence of identity and giving his or her written promise to appear in court, as provided in *Section 853.6 of the Penal Code*, and shall not be subjected to booking.

(c) For purposes of this section, “transport” means to transport for sale.

(d) This section does not preclude or limit prosecution for any aiding and abetting or conspiracy offenses.

## History

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Added Stats 1972 ch 1407 § 3. Amended Stats 1973 ch 1078 § 11, effective October 1, 1973; Stats 1975 ch 248 § 3; Stats 1976 ch 1139 § 74, operative July 1, 1977; Stats 1983 ch 223 § 3; [Stats 2011 ch 15 § 162 \(AB 109\)](#), effective April 4, 2011, operative October 1, 2011; [Stats 2015 ch 77 § 1 \(AB 730\)](#), effective January 1, 2016; Amendment approved by voters, Prop. 64 § 8.4, effective November 9, 2016; [Stats 2017 ch 27 § 125 \(SB 94\)](#), effective June 27, 2017.

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## *Cal Health & Saf Code § 11366*

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*Deering's California Codes Annotated* > **HEALTH AND SAFETY CODE** > *Division 10 Uniform Controlled Substances Act* > *Chapter 6 Offenses and Penalties* > *Article 4 Miscellaneous Offenses and Provisions*

### **§ 11366. Opening or maintaining place for trafficking in controlled substances**

Every person who opens or maintains any place for the purpose of unlawfully selling, giving away, or using any controlled substance which is (1) specified in subdivision (b), (c), or (e), or paragraph (1) of subdivision (f) of [Section 11054](#), specified in paragraph (13), (14), (15), or (20) of subdivision (d) of [Section 11054](#), or specified in subdivision (b), (c), paragraph (1) or (2) of subdivision (d), or paragraph (3) of subdivision (e) of *Section 11055*, or (2) which is a narcotic drug classified in Schedule III, IV, or V, shall be punished by imprisonment in the county jail for a period of not more than one year or the state prison.

### **History**

Added Stats 1972 ch 1407 § 3. Amended Stats 1973 ch 1078 § 16, effective October 1, 1973; Stats 1976 ch 1139 § 77, operative July 1, 1977; Stats 1983 ch 790 § 11; Stats 1984 ch 1635 § 59; Stats 1986 ch 1044 § 11; [Stats 1991 ch 492 § 1 \(SB 32\)](#).

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## [Cal Health & Saf Code § 11366.5](#)

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*Deering's California Codes Annotated > **HEALTH AND SAFETY CODE** > Division 10 Uniform Controlled Substances Act > Chapter 6 Offenses and Penalties > Article 4 Miscellaneous Offenses and Provisions*

### **§ 11366.5. Providing place for manufacture or distribution of controlled substance; Fortifying building to suppress law enforcement entry**

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(a) Any person who has under his or her management or control any building, room, space, or enclosure, either as an owner, lessee, agent, employee, or mortgagee, who knowingly rents, leases, or makes available for use, with or without compensation, the building, room, space, or enclosure for the purpose of unlawfully manufacturing, storing, or distributing any controlled substance for sale or distribution shall be punished by imprisonment in the county jail for not more than one year, or pursuant to subdivision (h) of *Section 1170 of the Penal Code*.

(b) Any person who has under his or her management or control any building, room, space, or enclosure, either as an owner, lessee, agent, employee, or mortgagee, who knowingly allows the building, room, space, or enclosure to be fortified to suppress law enforcement entry in order to further the sale of any amount of cocaine base as specified in paragraph (1) of subdivision (f) of [Section 11054](#), cocaine as specified in paragraph (6) of subdivision (b) of *Section 11055*, heroin, phencyclidine, amphetamine, methamphetamine, or lysergic acid diethylamide and who obtains excessive profits from the use of the building, room, space, or enclosure shall be punished by imprisonment pursuant to subdivision (h) of *Section 1170 of the Penal Code* for two, three, or four years.

(c) Any person who violates subdivision (a) after previously being convicted of a violation of subdivision (a) shall be punished by imprisonment pursuant to subdivision (h) of *Section 1170 of the Penal Code* for two, three, or four years.

(d) For the purposes of this section, "excessive profits" means the receipt of consideration of a value substantially higher than fair market value.

### **History**

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Added Stats 1982 ch 1279 § 4. Amended Stats 1985 ch 1533 § 1; Stats 1986 ch 1026 § 1; [Stats 1987 ch 1174 § 4](#), effective September 26, 1987; [Stats 2011 ch 15 § 164 \(AB 109\)](#), effective April 4, 2011, operative October 1, 2011.



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## [Cal Health & Saf Code § 11379.6](#)

Deering's California Codes are current through Chapters 1-470, 472-525, 527-553, 555-563, 565-598, 600-625, 627-633, 635-658, 663, 666-685, 687-702, 704, 706-723, 727-742, 744-768, 770-779, 781-797, 802-825, 827-864, 866-895, 897-906, 908-926, 928-956, 959-973, 979-988, 991-999, 1001-1010, and 1012-1016 of the 2018 Regular Session, including all urgency legislation of the 2018 Regular Session.

*Deering's California Codes Annotated > HEALTH AND SAFETY CODE > Division 10 Uniform Controlled Substances Act > Chapter 6 Offenses and Penalties > Article 5 Offenses Involving Controlled Substances Formerly Classified as Restricted Dangerous Drugs*

### **§ 11379.6. Manufacture of controlled substances by chemical extraction or chemical synthesis; Punishment; Factors in aggravation; Transmission of fines**

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(a) Except as otherwise provided by law, every person who manufactures, compounds, converts, produces, derives, processes, or prepares, either directly or indirectly by chemical extraction or independently by means of chemical synthesis, any controlled substance specified in [Section 11054](#), 11055, 11056, 11057, or 11058 shall be punished by imprisonment pursuant to subdivision (h) of *Section 1170 of the Penal Code* for three, five, or seven years and by a fine not exceeding fifty thousand dollars (\$50,000).

(b) Except when an enhancement pursuant to [Section 11379.7](#) is pled and proved, the fact that a person under 16 years of age resided in a structure in which a violation of this section involving methamphetamine occurred shall be considered a factor in aggravation by the sentencing court.

(c) Except when an enhancement pursuant to [Section 11379.7](#) is pled and proved, the fact that a violation of this section involving methamphetamine occurred within 200 feet of an occupied residence or any structure where another person was present at the time the offense was committed may be considered a factor in aggravation by the sentencing court.

(d) The fact that a violation of this section involving the use of a volatile solvent to chemically extract concentrated cannabis occurred within 300 feet of an occupied residence or any structure where another person was present at the time the offense was committed may be considered a factor in aggravation by the sentencing court.

(e) Except as otherwise provided by law, every person who offers to perform an act which is punishable under subdivision (a) shall be punished by imprisonment pursuant to subdivision (h) of *Section 1170 of the Penal Code* for three, four, or five years.

(f) All fines collected pursuant to subdivision (a) shall be transferred to the State Treasury for deposit in the Clandestine Drug Lab Clean-up Account, as established by [Section 5](#) of Chapter 1295 of the Statutes of 1987. The transmission to the State Treasury shall be carried out in the same manner as fines collected for the state by the county.

### **History**

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Added Stats 1985 ch 3 § 8, effective January 29, 1985. Amended Stats 1985 ch 323 § 1, effective July 29, 1985; [\*Stats 1989 ch 1024 § 1\*](#); [\*Stats 2003 ch 620 § 1 \(AB 233\)\*](#); [\*Stats 2011 ch 15 § 176 \(AB 109\)\*](#), effective April 4, 2011, operative October 1, 2011; [\*Stats 2015 ch 141 § 1 \(SB 212\)\*](#), effective January 1, 2016.

Deering's California Codes Annotated

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