

AMENDED IN SENATE JANUARY 5, 2026

SENATE BILL

No. 758

Introduced by Senator Umberg

February 21, 2025

An act to ~~amend Section 231.7 of the Code of Civil Procedure, relating to juries~~; *add Section 22984 to the Business and Professions Code, and to amend Section 11054 of the Health and Safety Code, relating to public health.*

LEGISLATIVE COUNSEL'S DIGEST

SB 758, as amended, Umberg. ~~Juries: peremptory challenges. Public health: kratom and nitrous oxide.~~

(1) Existing law, the Cigarette and Tobacco Products Licensing Act of 2003, requires a retailer, as defined, to hold a license from the California Department of Tax and Fee Administration to engage in the sale of cigarettes or tobacco products. A violation of these provisions is a misdemeanor.

This bill would expand those provisions to prohibit a retailer from selling nitrous oxide in any retail location.

(2) Existing law, the California Uniform Controlled Substances Act, classifies controlled substances into 5 designated schedules, with the most restrictive limitations generally placed on controlled substances classified in Schedule I, and the least restrictive limitations generally placed on controlled substances classified in Schedule V. Existing law places various criminal sanctions on the sale, distribution, and possession of specified controlled substances.

This bill would place 7-hydroxymitragynine on Schedule I, except as it naturally occurs in the plant *Mitragyna speciosa*.

(3) *By creating a new crime, and by expanding the definition of an existing crime, this bill would impose a state-mandated local program.*

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~Existing law provides for the exclusion of a prospective juror from a trial jury by peremptory challenge. Existing law prohibits a party from using a peremptory challenge to remove a prospective juror on the basis of an assumption that the prospective juror is biased merely because of the sex, race, color, religion, ancestry, national origin, ethnic group identification, age, mental disability, physical disability, medical condition, genetic information, marital status, or sexual orientation of the prospective juror, or on similar grounds. Under existing law, a peremptory challenge for specified reasons, including a prospective juror expressing a distrust of or having a negative experience with law enforcement or the criminal legal system, expressing a belief that law enforcement officers engage in racial profiling or that criminal laws have been enforced in a discriminatory manner, or having a close relationship with people who have been stopped, arrested, or convicted of a crime, are presumed to be invalid unless the party exercising the peremptory challenge meets specified requirements.~~

~~This bill would, in cases where a law enforcement officer is a defendant or alleged victim, remove the presumption of invalidity for a peremptory challenge for a prospective juror's expressing a distrust of or having a negative experience with law enforcement or the criminal legal system, expressing a belief that law enforcement officers engage in racial profiling or that criminal laws have been enforced in a discriminatory manner, or having a close relationship with people who have been stopped, arrested, or convicted of a crime.~~

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

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

- 1 *SECTION 1. Section 22984 is added to the Business and*
- 2 *Professions Code, to read:*
- 3 *22984. A retailer shall not sell nitrous oxide at a retail location.*

1 SEC. 2. Section 11054 of the Health and Safety Code is
2 amended to read:

3 11054. (a) The controlled substances listed in this section are
4 included in Schedule I.

5 (b) Opiates. Unless specifically excepted or unless listed in
6 another schedule, any of the following opiates, including their
7 isomers, esters, ethers, salts, and salts of isomers, esters, and ethers
8 whenever the existence of those isomers, esters, ethers, and salts
9 is possible within the specific chemical designation:

- 10 (1) Acetylmethadol.
- 11 (2) Allylprodine.
- 12 (3) Alphacetylmethadol (except levoalphacetylmethadol, also
13 known as levo-alpha- acetylmethadol, levomethadyl acetate, or
14 LAAM).
- 15 (4) Alphameprodine.
- 16 (5) Alphamethadol.
- 17 (6) Benzethidine.
- 18 (7) Betacetylmethadol.
- 19 (8) Betameprodine.
- 20 (9) Betamethadol.
- 21 (10) Betaprodine.
- 22 (11) Clonitazene.
- 23 (12) Dextromoramide.
- 24 (13) Diampromide.
- 25 (14) Diethylthiambutene.
- 26 (15) Difenoxin.
- 27 (16) Dimenoxadol.
- 28 (17) Dimepheptanol.
- 29 (18) Dimethylthiambutene.
- 30 (19) Dioxaphetyl butyrate.
- 31 (20) Dipipanone.
- 32 (21) Ethylmethylthiambutene.
- 33 (22) Etonitazene.
- 34 (23) Etoxidine.
- 35 (24) Furethidine.
- 36 (25) Hydroxypethidine.
- 37 (26) Ketobemidone.
- 38 (27) Levomoramide.
- 39 (28) Levophenacetylmorphan.
- 40 (29) Morpheridine.

- 1 (30) Noracymethadol.
- 2 (31) Norlevorphanol.
- 3 (32) Normethadone.
- 4 (33) Norpipanone.
- 5 (34) Phenadoxone.
- 6 (35) Phenampromide.
- 7 (36) Phenomorphan.
- 8 (37) Phenoperidine.
- 9 (38) Piritramide.
- 10 (39) Proheptazine.
- 11 (40) Properidine.
- 12 (41) Propiram.
- 13 (42) Racemoramide.
- 14 (43) Tilidine.
- 15 (44) Trimeperidine.
- 16 (45) Any substance which contains any quantity of
- 17 acetylfentanyl (N-[1-phenethyl-4-piperidinyl] acetanilide) or a
- 18 derivative thereof.
- 19 (46) Any substance which contains any quantity of the thiophene
- 20 analog of acetylfentanyl (N-[1-[2-(2-thienyl)ethyl]-4-piperidinyl]
- 21 acetanilide) or a derivative thereof.
- 22 (47) 1-Methyl-4-Phenyl-4-Propionoxypiperidine (MPPP).
- 23 (48) 1-(2-Phenethyl)-4-Phenyl-4-Acetyloxypiperidine (PEPAP).
- 24 (c) Opium derivatives. Unless specifically excepted or unless
- 25 listed in another schedule, any of the following opium derivatives,
- 26 its salts, isomers, and salts of isomers whenever the existence of
- 27 those salts, isomers, and salts of isomers is possible within the
- 28 specific chemical designation:
- 29 (1) Acetorphine.
- 30 (2) Acetyldihydrocodeine.
- 31 (3) Benzylmorphine.
- 32 (4) Codeine methylbromide.
- 33 (5) Codeine-N-Oxide.
- 34 (6) Cyprenorphine.
- 35 (7) Desomorphine.
- 36 (8) Dihydromorphine.
- 37 (9) Drotebanol.
- 38 (10) Etorphine (except hydrochloride salt).
- 39 (11) Heroin.
- 40 (12) Hydromorphanol.

- 1 (13) Methyldesorphine.
- 2 (14) Methyldihydromorphine.
- 3 (15) Morphine methylbromide.
- 4 (16) Morphine methylsulfonate.
- 5 (17) Morphine-N-Oxide.
- 6 (18) Myrophine.
- 7 (19) Nicocodeine.
- 8 (20) Nicomorphine.
- 9 (21) Normorphine.
- 10 (22) Pholcodine.
- 11 (23) Thebacon.
- 12 (d) Hallucinogenic substances. Unless specifically excepted or
- 13 unless listed in another schedule, any material, compound, mixture,
- 14 or preparation, which contains any quantity of the following
- 15 hallucinogenic substances, or which contains any of its salts,
- 16 isomers, and salts of isomers whenever the existence of those salts,
- 17 isomers, and salts of isomers is possible within the specific
- 18 chemical designation (for purposes of this subdivision only, the
- 19 term “isomer” includes the optical, position, and geometric
- 20 isomers):
- 21 (1) 4-bromo-2,5-dimethoxy-amphetamine—Some trade or other
- 22 names: 4-bromo-2,5-dimethoxy-alpha-methylphenethylamine;
- 23 4-bromo-2,5-DMA.
- 24 (2) 2,5-dimethoxyamphetamine—Some trade or other names:
- 25 2,5-dimethoxy-alpha-methylphenethylamine; 2,5-DMA.
- 26 (3) 4-methoxyamphetamine—Some trade or other names:
- 27 4 - m e t h o x y - a l p h a - m e t h y l p h e n e t h y l a m i n e ,
- 28 paramethoxyamphetamine, PMA.
- 29 (4) 5-methoxy-3,4-methylenedioxy-amphetamine.
- 30 (5) 4-methyl-2,5-dimethoxy-amphetamine—Some trade or other
- 31 names: 4-methyl-2,5-dimethoxy-alpha-methylphenethylamine;
- 32 “DOM”; and “STP.”
- 33 (6) 3,4-methylenedioxy amphetamine.
- 34 (7) 3,4,5-trimethoxy amphetamine.
- 35 (8) Bufotenine—Some trade or other names:
- 36 3 - (b e t a - d i m e t h y l a m i n o e t h y l) - 5 - h y d r o x y i n d o l e ;
- 37 3-(2-dimethylaminoethyl)-5 indolol; N,N-dimethylserolonin,
- 38 5-hydroxy-N,N-dimethyltryptamine; mappine.
- 39 (9) Diethyltryptamine—Some trade or other names:
- 40 N,N-Diethyltryptamine; DET.

- 1 (10) Dimethyltryptamine—Some trade or other names: DMT.
2 (11) Ibogaine—Some trade or other names: 7-Ethyl-6,6beta,
3 7,8,9,10,12,13-octahydro-2-methoxy-6,9-methano-5H-pyrido
4 [1',2':1,2] azepino [5,4-b] indole; Tabernantheiboga.
5 (12) Lysergic acid diethylamide.
6 (13) Cannabis.
7 (14) Mescaline.
8 (15) Peyote—Meaning all parts of the plant presently classified
9 botanically as *Lophophora williamsii* Lemaire, whether growing
10 or not, the seeds thereof, any extract from any part of the plant,
11 and every compound, manufacture, salts, derivative, mixture, or
12 preparation of the plant, its seeds or extracts (interprets 21 U.S.C.
13 Sec. 812(c), Schedule 1(c)(12)).
14 (16) N-ethyl-3-piperidyl benzilate.
15 (17) N-methyl-3-piperidyl benzilate.
16 (18) Psilocybin.
17 (19) Psilocyn.
18 (20) Tetrahydrocannabinols. Synthetic equivalents of the
19 substances contained in the plant, or in the resinous extractives of
20 Cannabis, sp. and/or synthetic substances, derivatives, and their
21 isomers with similar chemical structure and pharmacological
22 activity such as the following: delta 1 cis or trans
23 tetrahydrocannabinol, and their optical isomers; delta 6 cis or trans
24 tetrahydrocannabinol, and their optical isomers; delta 3,4 cis or
25 trans tetrahydrocannabinol, and its optical isomers.
26 Because nomenclature of these substances is not internationally
27 standardized, compounds of these structures, regardless of
28 numerical designation of atomic positions covered.
29 (21) Ethylamine analog of phencyclidine—Some trade or other
30 names: N-ethyl-1-phenylcyclohexylamine, (1-phenylcyclohexyl)
31 ethylamine, N-(1-phenylcyclohexyl) ethylamine, cyclohexamine,
32 PCE.
33 (22) Pyrrolidine analog of phencyclidine—Some trade or other
34 names: 1-(1-phenylcyclohexyl)-pyrrolidine, PCP, PHP.
35 (23) Thiophene analog of phencyclidine—Some trade or other
36 names: 1-[1-(2 thienyl)-cyclohexyl]-piperidine, 2-thienyl analog
37 of phencyclidine, TPCP, TCP.
38 (e) Depressants. Unless specifically excepted or unless listed
39 in another schedule, any material, compound, mixture, or
40 preparation which contains any quantity of the following substances

1 having a depressant effect on the central nervous system, including
2 its salts, isomers, and salts of isomers whenever the existence of
3 those salts, isomers, and salts of isomers is possible within the
4 specific chemical designation:

5 (1) Mecloqualone.

6 (2) Methaqualone.

7 (3) Gamma hydroxybutyric acid (also known by other names
8 such as GHB; gamma hydroxy butyrate; 4-hydroxybutyrate;
9 4-hydroxybutanoic acid; sodium oxybate; sodium oxybutyrate),
10 including its immediate precursors, isomers, esters, ethers, salts,
11 and salts of isomers, esters, and ethers, including, but not limited
12 to, gammabutyrolactone, for which an application has not been
13 approved under Section 505 of the Federal Food, Drug, and
14 Cosmetic Act (21 U.S.C. Sec. 355).

15 (f) Unless specifically excepted or unless listed in another
16 schedule, any material, compound, mixture, or preparation which
17 contains any quantity of the following substances having a
18 stimulant effect on the central nervous system, including its
19 isomers:

20 (1) Cocaine base.

21 (2) Fenethylline, including its salts.

22 (3) N-Ethylamphetamine, including its salts.

23 (g) 7-hydroxymitragynine, except as it naturally occurs in the
24 plant *Mitragyna speciosa*.

25 *SEC. 3. No reimbursement is required by this act pursuant to*
26 *Section 6 of Article XIII B of the California Constitution because*
27 *the only costs that may be incurred by a local agency or school*
28 *district will be incurred because this act creates a new crime or*
29 *infraction, eliminates a crime or infraction, or changes the penalty*
30 *for a crime or infraction, within the meaning of Section 17556 of*
31 *the Government Code, or changes the definition of a crime within*
32 *the meaning of Section 6 of Article XIII B of the California*
33 *Constitution.*

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All matter omitted in this version of the bill appears in the bill as introduced in the Senate, February 21, 2025. (JR11)

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