

CALIFORNIA LEGISLATURE—2025-2026 SIMULATION SESSION

SENATE BILL

NO 21

Introduced by Senator Dahle

(Co-Sponsors: Rosilicie Ochoa Bogh, Catherine Blakespear, Akilah Weber Pierson)

October 1st, 2025

An act to add Section 11060 to the California Health & Safety Code, relating to the legal definition of a fentanyl-related substance.

LEGISLATIVE COUNSEL'S DIGEST

SB 21, as introduced, Dahle. Defining Fentanyl Related Substances

Existing law in the California Health and Safety Code names specific substances and their drug classification to avoid these substances being brought into the country. Unfortunately, drug traffickers tweak the molecules in their drugs slightly to make a new analog. If this new analog is not explicitly named, then defense lawyers can argue that it is not covered in these statutes and allow drug traffickers to receive lower sentences.

This bill would redefine what a fentanyl-related substance really is, by stating that any fentanyl-related substance, not just those listed by name, are classified as Schedule I. This would essentially close the loophole by immediately covering new analogs, rather than waiting for the Legislature or Department of Justice to manually add new analogs to the list one by one. The goal of this is to punish drug traffickers for causing fentanyl deaths by providing them with tougher sentences and a creating a higher risk of smuggling fentanyl across the California border.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** Section 11060 is added to the California Health and Safety Code:

**11060.** (a) Any "fentanyl-related substance" is included in Schedule I. A "fentanyl-related substance" is defined as a substance that is either:

- (1) listed as a fentanyl-related substance by the United States Drug Enforcement Administration
- (2) structurally or pharmacologically related to fentanyl and may reasonably be expected to have similar opioid agonist effects in humans.

(b) Regarding the definition of a "fentanyl-related substance":

- (1) A "fentanyl-related substance" may be proven in court by scientific evidence, including laboratory testing, expert testimony, or federal scheduling by the U.S. Drug Enforcement Administration.

(2) In prosecution, a certified laboratory test identifying the substance is sufficient evidence of what the drug is, unless the defendant has some means of proving otherwise.

(3) The person is guilty only when the state can prove that they knowingly manufactured, sold, or distributed a fentanyl-related substance for human consumption.

(4) The Attorney General may temporarily schedule new fentanyl-related substances as illegal (Schedule I) while awaiting action on them by the Legislature during the next session.