

CONCURRENCE IN SENATE AMENDMENTS

AB 1152 (Patterson)

As Amended September 2, 2025

Majority vote

SUMMARY

Removes human chorionic gonadotropin (hCG) from the list of Schedule III controlled substances under the California Uniform Controlled Substances Act.

Senate Amendments

Remove hCG from the list of Schedule III controlled substances.

COMMENTS

- 1) *The California Uniform Controlled Substances Act*: In 1970, Congress passed the Comprehensive Drug Abuse Prevention and Control Act, which established a framework for federal regulation of controlled substances. Title II of the act is the Controlled Substances Act (CSA), which placed controlled substances in one of five "schedules."

The schedule on which a controlled substance is placed determines the level of restriction imposed on its production, distribution, and possession, as well as the penalties applicable to any improper handling of the substance... [W]hen DEA places substances under control by regulation, the agency assigns each controlled substance to a schedule based on its medical utility and its potential for abuse and dependence. (The Controlled Substances ACT (CSA): A Legal Overview for the 118th Congress, Congressional Research Service (Jan. 19, 2023) p. 2 <<https://crsreports.congress.gov/product/pdf/r/r45948>> [last visited Sept. 9, 2025].)

Substances are added to or removed from schedules through agency action or by legislation. (*Id.* at p. 9.)

State laws generally follow the federal scheduling decisions, and "they are relatively uniform across jurisdictions because almost all states have adopted a version of a model statute called the Uniform Controlled Substances Act (UCSA)." (*Id.* at 4.) California adopted the UCSA in 1972. (Stats. 1972, ch. 1407, Section 3.) The UCSA generally aligns with the federal government's scheduling decisions. (See *People v. Ward* (2008) 167 Cal.App.4th 252, 259 ["In the California Uniform Controlled Substances Act, California adopted the five schedules of controlled substances used in federal law and in the Uniform Controlled Substances Act"]; *Williamson v. Bd. Of Medical Quality Assurance* (1990) 271 Cal.App.3d 1343, 1352, fn. 1. ["Effective January 1, 1985, Schedules I through V of the California Uniform Controlled Substances Act were revised so as to generally parallel the five schedules contained in the Federal Controlled Substances Act."].)

- 2) *Human Chorionic Gonadotropin (hCG)*: hCG is a hormone produced by the placenta during pregnancy. The federal Food and Drug Administration (FDA) has approved hCG to treat female infertility and as a hormone treatment for men, including to treat low sperm count. (U.S. FDA, *Questions and Answers on HCG Products for Weight Loss* (May 4, 2016) available at <<https://www.fda.gov/drugs/medication-health-fraud/questions-and-answers-hcg-products-weight-loss>>.) A prescription is required to obtain hCG. (*Ibid.*)

Synthetic hCG is considered a performance-enhancing drug. (U.S. Anti-Doping Agency, *Effects of Performance-Enhancing Drugs* available at <https://www.usada.org/athletes/substances/effects-of-performance-enhancing-drugs/>.) Its use is generally prohibited in male athletes by various U.S. and international sports leagues, federations, and governing bodies.¹ hCG is strongly associated with anabolic steroids due to its restoration of natural testosterone production following a cycle of steroid use. (Stenman et al., *Gonadotropins in doping: pharmacological basis and detection of illicit use* (Apr. 2008) available at <https://pmc.ncbi.nlm.nih.gov/articles/PMC2439513/>; Lance Williams, *HCG helps steroid users restore testosterone* (May 8, 2009) available at <https://www.sfgate.com/sports/article/hcg-helps-steroid-users-restore-testosterone-3162496.php>; Mike Fish, *First Gibbons and Bell, now Manny* (May 7, 2009) available at <https://www.espn.com/mlb/news/story?id=4150133>.)

hCG is currently included in Schedule III of the controlled substance schedules along with anabolic steroids and testosterone. Anabolic steroids and hCG were added to Schedule III in 1986. (See AB 4029 (Condit), Ch. 1033, Stats. of 1986; Randy Harvey, *Weightlifter, Lobbyist Join Forces in Fighting Steroids* (Apr. 9, 1986) available at <https://www.latimes.com/archives/la-xpm-1986-04-09-sp-3668-story.html>.) This bill removes hCG from the controlled substances schedules. As such, obtaining hCG would still require a prescription but it would be subject to fewer restrictions and regulations. For example, prescribers and dispensers would no longer be mandated to report their prescribing and dispensing activities to the state's prescription drug monitoring program. Criminal liability under Health and Safety Code section 11377—which prohibits the possession of a non-narcotic Schedule III substance without a prescription—would also no longer apply. Removing hCG from Schedule III raises the question of whether there are other similarly situated controlled substances, such as testosterone, that should also be removed from the controlled substance schedules in order to maintain consistency across the controlled substance schedules.

According to the Author

"Human chorionic gonadotropin (HCG) has been shown for years to be a safe and effective infertility treatment for both men and women. FDA regulations, which require a prescription, protect against the misuse of this medicine. However, California is the exception to the vast majority of states: it regulates HCG as a Schedule III controlled substance, in the same category as steroids, which means its possession can land someone in jail.

"The federal government, and most states, do not classify it as a controlled substance because there is no public safety risk and the risk of personal abuse is near non-existent. AB 1152 removes this unnecessary inclusion."

Arguments in Support

None on file.

Arguments in Opposition

None on file.

¹ The International Olympics Committee has banned hCG since 1987. The World Anti-Doping Agency, responsible for the World Anti-Doping Code which has been adopted by more than 650 sports organizations, includes hCG on its banned-substances list.

FISCAL COMMENTS

Unknown.

VOTES:**ASM HOUSING AND COMMUNITY DEVELOPMENT: 11-0-1**

YES: Haney, Patterson, Ávila Farías, Caloza, Garcia, Kalra, Lee, Quirk-Silva, Ta, Wicks, Wilson

ABS, ABST OR NV: Tangipa

ASM LOCAL GOVERNMENT: 10-0-0

YES: Carrillo, Ta, Hoover, Pacheco, Ramos, Ransom, Blanca Rubio, Stefani, Ward, Wilson

ASSEMBLY FLOOR: 68-0-11

YES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Bonta, Bryan, Calderon, Caloza, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Fong, Gabriel, Garcia, Gipson, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Kalra, Krell, Lackey, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Ward, Wicks, Wilson, Zbur, Rivas

ABS, ABST OR NV: Arambula, Boerner, Carrillo, Flora, Gallagher, Jeff Gonzalez, Irwin, Jackson, Lee, Celeste Rodriguez, Wallis

UPDATED

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