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# 10

## Criminal Activities

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### §10.10 1. Use

Willfully using or being under the influence of a controlled substance or narcotic drug without a valid prescription is prohibited under Health & S C §11550. Controlled substances prohibited under this section include cocaine, heroin, and prescription drugs such as codeine and morphine used without prescriptions. Although listed as a Schedule I “hallucinogenic substance” under California law (see Health & S C §11054(d)(13)), marijuana is not one of the controlled substances covered by §11550. See §10.13. A violation of §11550 is a misdemeanor. Note that being “under the influence” for these purposes is unlike the standard used in driving under the influence cases, in which generally there must be evidence of impairment. Rather than requiring impairment, §11550 only requires that a person be under the influence “in any detectable manner.” *People v Gutierrez* (1977) 72 CA3d 397, 402.



For further discussion, see [Neighbor Disputes: Law and Litigation](#): Criminal Activities, chapter 10 (Cal CEB). Available in print and through [OnLaw](#).

Handle whatever dispute comes your way. This book lays out issues and provides guidance for resolving common disputes. Includes checklists, tips, and forms to aid in preparing a complaint or response, conducting client interviews, and dealing with emotional clients. Addresses causes of action, remedies, recouping fees, and available defenses.