

106TH CONGRESS
1ST SESSION

S. 1561

To amend the Controlled Substances Act to add gamma hydroxybutyric acid and ketamine to the schedules of control substances, to provide for a national awareness campaign, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 5, 1999

Mr. ABRAHAM introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend the Controlled Substances Act to add gamma hydroxybutyric acid and ketamine to the schedules of control substances, to provide for a national awareness campaign, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Date-Rape Drug Con-
5 trol Act of 1999”.

6 **SEC. 2. FINDINGS.**

7 Congress finds as follows:

1 (1) Gamma hydroxybutyric acid (also called G,
2 Liquid X, Liquid Ecstasy, Grievous Bodily Harm,
3 Georgia Home Boy, Scoop) has become a significant
4 and growing problem in law enforcement. At least
5 20 States have scheduled such drug in their drug
6 laws and law enforcement officials have been experi-
7 encing an increased presence of the drug in driving
8 under the influence, sexual assault, and overdose
9 cases especially at night clubs and parties.

10 (2) A behavioral depressant and a hypnotic,
11 gamma hydroxybutyric acid (“GHB”) is being used
12 in conjunction with alcohol and other drugs with
13 detrimental effects in an increasing number of cases.
14 It is difficult to isolate the impact of such drug’s in-
15 gestion since it is so typically taken with an ever-
16 changing array of other drugs and especially alcohol
17 which potentiates its impact.

18 (3) GHB takes the same path as alcohol, proc-
19 esses via alcohol dehydrogenase, and its symptoms
20 at high levels of intake and as impact builds are
21 comparable to alcohol ingestion/intoxication. Thus,
22 aggression and violence can be expected in some in-
23 dividuals who use such drug.

24 (4) If taken for human consumption, common
25 industrial chemicals such as gamma butyrolactone

1 and 1.4-butanediol are swiftly converted by the body
2 into GHB. Illicit use of these and other GHB ana-
3 logues and precursor chemicals is a significant and
4 growing law enforcement problem.

5 (5) A human pharmaceutical formulation of
6 gamma hydroxybutyric acid is being developed as a
7 treatment for cataplexy, a serious and debilitating
8 disease. Cataplexy, which causes sudden and total
9 loss of muscle control, affects about 65 percent of
10 the estimated 180,000 Americans with narcolepsy, a
11 sleep disorder. People with cataplexy often are un-
12 able to work, drive a car, hold their children or live
13 a normal life.

14 **SEC. 3. ADDITION OF GAMMA HYDROXYBUTYRIC ACID AND**
15 **KETAMINE TO SCHEDULES OF CONTROLLED**
16 **SUBSTANCES; GAMMA BUTYROLACTONE AS**
17 **ADDITIONAL LIST I CHEMICAL.**

18 (a) ADDITION TO SCHEDULE I.—

19 (1) IN GENERAL.—Section 202(c) of the Con-
20 trolled Substances Act (21 U.S.C. 812(c)) is amend-
21 ed by adding at the end of schedule I the following:

22 “(d) Unless specifically excepted or unless listed in
23 another schedule, any material, compound, mixture, or
24 preparation, which contains any quantity of the following
25 substance having a depressant effect on the central nerv-

1 ous system, or which contains any of their salts, isomers,
2 and salts of isomers whenever the existence of such salts,
3 isomers, and salts of isomers is possible within the specific
4 chemical designation:

5 “(1) Gamma hydroxybutyric acid.”.

6 (2) SECURITY OF FACILITIES.—For purposes of
7 any requirements that relate to the physical security
8 of registered manufacturers and registered distribu-
9 tors, gamma hydroxybutyric acid and its salts, iso-
10 mers, and salts of isomers manufactured, distrib-
11 uted, or possessed in accordance with an exemption
12 approved under section 505(i) of the Federal Food,
13 Drug, and Cosmetic Act shall be treated as a con-
14 trolled substance in schedule III under section
15 202(c) of the Controlled Substances Act.

16 (b) ADDITION TO SCHEDULE III.—Schedule III
17 under section 202(c) of the Controlled Substances Act (21
18 U.S.C. 812(c)) is amended in (b)—

19 (1) by redesignating (4) through (10) as (6)
20 through (12), respectively; and

21 (2) by redesignating (3) as (4);

22 (3) by inserting after (2) the following:

23 “(3) Gamma hydroxybutyric acid and its salts,
24 isomers, and salts of isomers contained in a drug
25 product for which an application has been approved

1 under section 505 of the Federal Food, Drug, and
2 Cosmetic Act.”; and

3 (4) by inserting after (4) (as so redesignated)
4 the following:

5 “(5) Ketamine and its salts, isomers, and salts
6 of isomers.”.

7 (c) ADDITIONAL LIST I CHEMICAL.—Section 102(34)
8 of the Controlled Substances Act (21 U.S.C. 802(34)) is
9 amended—

10 (1) by redesignating subparagraph (X) as sub-
11 paragraph (Y); and

12 (2) by inserting after subparagraph (W) the fol-
13 lowing subparagraph:

14 “(X) Gamma butyrolactone.”.

15 (d) RULE OF CONSTRUCTION REGARDING CON-
16 TROLLED SUBSTANCE ANALOGUES.—Section 102(32) of
17 the Controlled Substances Act (21 U.S.C. 802(32)) is
18 amended—

19 (1) in subparagraph (A), by striking “subpara-
20 graph (B)” and inserting “subparagraph (C)”;

21 (2) by redesignating subparagraph (B) as sub-
22 paragraph (C); and

23 (3) by inserting after subparagraph (A) the fol-
24 lowing new subparagraph (B):

1 “(B) The designation of gamma butyrolactone or any
2 other chemical as a listed chemical pursuant to paragraph
3 (34) or (35) does not preclude a finding pursuant to sub-
4 paragraph (A) that the chemical is a controlled substance
5 analogue.”.

6 (e) PENALTIES REGARDING SCHEDULE I.—

7 (1) IN GENERAL.—Section 401(b)(1)(C) of the
8 Controlled Substances Act (21 U.S.C. 841(b)(1)(C))
9 is amended in the first sentence by inserting after
10 “schedule I or II,” the following: “gamma hydroxy-
11 butyric acid in schedule III,”.

12 (2) CONFORMING AMENDMENT.—Section
13 401(b)(1)(D) of the Controlled Substances Act (21
14 U.S.C. 841(b)(1)(D)) is amended by inserting
15 “(other than gamma hydroxybutyric acid)” after
16 “schedule III”.

17 (f) DISTRIBUTION WITH INTENT TO COMMIT CRIME
18 OF VIOLENCE.—Section 401(b)(7)(A) of the Controlled
19 Substances Act (21 U.S.C. 841(b)(7)(A)) is amended by
20 inserting “or controlled substance analogue” after “dis-
21 tributing a controlled substance”.

1 **SEC. 4. AUTHORITY FOR ADDITIONAL REPORTING RE-**
2 **QUIREMENTS FOR GAMMA HYDROXYBUTYRIC**
3 **PRODUCTS IN SCHEDULE III.**

4 Section 307 of the Controlled Substances Act (21
5 U.S.C. 827) is amended by adding at the end the fol-
6 lowing:

7 “(h) In the case of a drug product containing gamma
8 hydroxybutyric acid for which an application has been ap-
9 proved under section 505 of the Federal Food, Drug, and
10 Cosmetic Act, the Attorney General may, in addition to
11 any other requirements that apply under this section with
12 respect to such a drug product, establish any of the fol-
13 lowing as reporting requirements:

14 “(1) That every person who is registered as a
15 manufacturer of bulk or dosage form, as a packager,
16 repackager, labeler, relabeler, or distributor shall re-
17 port acquisition and distribution transactions quar-
18 terly, not later than the 15th day of the month suc-
19 ceeding the quarter for which the report is sub-
20 mitted, and annually report end-of-year inventories.

21 “(2) That all annual inventory reports shall be
22 filed no later than January 15 of the year following
23 that for which the report is submitted and include
24 data on the stocks of the drug product, drug sub-
25 stance, bulk drug, and dosage forms on hand as of
26 the close of business December 31, indicating wheth-

1 er materials reported are in storage or in process of
2 manufacturing.

3 “(3) That every person who is registered as a
4 manufacturer of bulk or dosage form shall report all
5 manufacturing transactions both inventory increases,
6 including purchases, transfers, and returns, and re-
7 ductions from inventory, including sales, transfers,
8 theft, destruction, and seizure, and shall provide
9 data on material manufactured, manufactured from
10 other material, use in manufacturing other material,
11 and use in manufacturing dosage forms.

12 “(4) That all reports under this section must
13 include the registered person’s registration number
14 as well as the registration numbers, names, and
15 other identifying information of vendors, suppliers,
16 and customers, sufficient to allow the Attorney Gen-
17 eral to track the receipt and distribution of the drug.

18 “(5) That each dispensing practitioner shall
19 maintain for each prescription the name of the pre-
20 scribing practitioner, the prescribing practitioner’s
21 Federal and State registration numbers, with the ex-
22 piration dates of these registrations, verification that
23 the prescribing practitioner possesses the appro-
24 priate registration to prescribe this controlled sub-
25 stance, the patient’s name and address, the name of

1 the patient's insurance provider and documentation
 2 by a medical practitioner licensed and registered to
 3 prescribe the drug of the patient's medical need for
 4 the drug. Such information shall be available for in-
 5 spection and copying by the Attorney General.

6 “(6) That section 310(b)(3) (relating to mail
 7 order reporting) applies with respect to gamma hy-
 8 droxybutyric acid to the same extent and in the
 9 same manner as such section applies with respect to
 10 the chemicals and drug products specified in sub-
 11 paragraph (A)(i) of such section.”.

12 **SEC. 5. DEVELOPMENT OF FORENSIC FIELD TESTS FOR**
 13 **GAMMA HYDROXYBUTYRIC ACID.**

14 The Attorney General shall make a grant for the de-
 15 velopment of forensic field tests to assist law enforcement
 16 officials in detecting the presence of gamma hydroxy-
 17 butyric acid and related substances.

18 **SEC. 6. ANNUAL REPORT REGARDING DATE-RAPE DRUGS;**
 19 **NATIONAL AWARENESS CAMPAIGN.**

20 (a) ANNUAL REPORT.—The Secretary of Health and
 21 Human Services (in this section referred to as the “Sec-
 22 retary”) shall periodically submit to Congress reports each
 23 of which provides an estimate of the number of incidents
 24 of the abuse of date-rape drugs (as defined in subsection
 25 (c)) that occurred during the most recent one-year period

1 for which data are available. The first such report shall
2 be submitted not later than January 15, 2000, and subse-
3 quent reports shall be submitted annually thereafter.

4 (b) NATIONAL AWARENESS CAMPAIGN.—

5 (1) DEVELOPMENT OF PLAN; RECOMMENDA-
6 TIONS OF ADVISORY COMMITTEE.—

7 (A) IN GENERAL.—The Secretary, in con-
8 sultation with the Attorney General, shall de-
9 velop a plan for carrying out a national cam-
10 paign to educate individuals described in sub-
11 paragraph (B) on the following:

12 (i) The dangers of date-rape drugs.

13 (ii) The applicability of the Controlled
14 Substances Act to such drugs, including
15 penalties under such Act.

16 (iii) Recognizing the symptoms that
17 indicate an individual may be a victim of
18 such drugs, including symptoms with re-
19 spect to sexual assault.

20 (iv) Appropriately responding when an
21 individual has such symptoms.

22 (B) INTENDED POPULATION.—The individ-
23 uals referred to in subparagraph (A) are young
24 adults, youths, law enforcement personnel, edu-
25 cators, school nurses, counselors of rape vic-

1 tims, and emergency room personnel in hos-
2 pitals.

3 (C) ADVISORY COMMITTEE.—Not later
4 than 180 days after the date of the enactment
5 of this Act, the Secretary shall establish an ad-
6 visory committee to make recommendations to
7 the Secretary regarding the plan under sub-
8 paragraph (A). The committee shall be com-
9 posed of individuals who collectively possess ex-
10 pertise on the effects of date-rape drugs and on
11 detecting and controlling the drugs.

12 (2) IMPLEMENTATION OF PLAN.—Not later
13 than 180 days after the date on which the advisory
14 committee under paragraph (1) is established, the
15 Secretary, in consultation with the Attorney General,
16 shall commence carrying out the national campaign
17 under such paragraph in accordance with the plan
18 developed under such paragraph. The campaign may
19 be carried out directly by the Secretary and through
20 grants and contracts.

21 (3) EVALUATION BY GENERAL ACCOUNTING OF-
22 FICE.—Not later than two years after the date on
23 which the national campaign under paragraph (1) is
24 commenced, the Comptroller General of the United
25 States shall submit to Congress an evaluation of the

1 effects with respect to date-rape drugs of the na-
2 tional campaign.

3 (c) DEFINITION.—For purposes of this section, the
4 term “date-rape drugs” means gamma hydroxybutyric
5 acid and its salts, isomers, and salts of isomers and such
6 other drugs or substances as the Secretary, after consulta-
7 tion with the Attorney General, determines to be appro-
8 priate.

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