



Alan Van Dyne

Final Analysis
Legislative Service Commission

Am. H.B. 428
123rd General Assembly
(As Passed by the General Assembly)

Reps. Calvert, Taylor, Willamowski, Terwilleger, Williams, Hollister, Grendell, DePiero, Householder, Hoops, Buehrer, Netzley, Coughlin, Jacobson, Bateman, Jerse, O'Brien, Mottley, Clancy, Corbin, Flannery, Allen, Pringle, Hood, Hartnett, Roman, Bender, Brading, Vesper, Ogg, Patton, Oلمان, Beatty, Van Vyven, Damschroder, Amstutz, Haines, Evans, Sulzer, Harris, Buchy, Trakas, A. Core, Myers, Distel, Ford, Jones, Sullivan, Smith, Metzger, Boyd, Ferderber, Schuring, Barrett, Britton, Winkler, Womer Benjamin, Logan, Redfern, Sutton, Salerno, Verich

Sens. Drake, Hagan, Kearns, Wachtmann, Spada, Watts, Latta, Cupp, Mumper, DiDonato, Johnson, McLin, Latell

Effective date: *

ACT SUMMARY

- Classifies gamma-hydroxy-butyrate as a Schedule II controlled substance.
- Updates the state controlled substance schedules in accordance with federal drug laws.

CONTENT AND OPERATION

Background

A controlled substance is any drug, compound, mixture, preparation, or substance included in Schedule I, II, III, IV, or V of Ohio's controlled substances law. Schedule I contains the most dangerous controlled substances, whereas Schedule V consists of controlled substances that are less potent, but nonetheless considered dangerous. Controlled substances may be sold only by licensed

* *The Legislative Service Commission had not received formal notification of the effective date at the time this analysis was prepared.*

manufacturers and wholesalers, pharmacists, terminal distributors of dangerous drugs, and certain licensed health professionals authorized to prescribe drugs.

Schedule II controlled substances are substances that have a high abuse or addiction potential but also have a valid medical use. Current law provides that the Board of Pharmacy "may add or transfer a compound, mixture, preparation, or substance to Schedule II when it appears that there is a high potential for abuse, that it has a currently accepted medical use in treatment in this state, or currently accepted medical use in treatment with severe restrictions, and that its abuse may lead to severe physical or severe psychological dependence" (R.C. § 3719.44(D)).

The criminal penalties for certain drug offenses differ depending on whether the drug involved in the offense is Schedule I or II, or Schedule III, IV, or V. Some of the offenses in which a distinction is made include trafficking in drugs, possession, drug abuse, corruption of another with drugs, deception to obtain a dangerous drug, illegal dispensing of drug samples, and illegal possession of drug documents. In general, offenses involving a Schedule I or II controlled substance are classified as felonies of a higher degree than offenses involving Schedule III, IV, or V substances.

Changes to Ohio's controlled substance law

(sec. 3719.41)

Gamma-hydroxy-butyrate

The act makes gamma-hydroxy-butyrate (GHB) a Schedule II controlled substance. GHB is a fast-acting central nervous system depressant. It has undergone clinical testing for several indications, including the sleeping disorder narcolepsy, but it has never been approved for sale as a medical product in the United States. Since about 1990, the National Institute on Drug Abuse has received reports of GHB being abused for euphoric, sedative, and anabolic (body building) effects. It is usually consumed in liquid form, which is colorless and odorless with a salty taste, but it is also used in powder and capsule form. Side effects may include difficulty breathing, nausea, vomiting, dizziness, tremors, seizures, and loss of consciousness. GHB has been associated with occurrences of sexual assault. In January 1999, the federal Food and Drug Administration issued a warning reiterating its earlier warnings against the use of GHB.¹

¹ "FDA Warns About Products Containing Gamma Butyrolactone or GBL and Asks Companies to Issue a Recall" (United States Food and Drug Administration Press Release, January 21, 1999). NCADI-Fact Sheet: GHB Questions and Answers (National Clearinghouse for Alcohol and Drug Information, <http://www.health.org/pubs/qdocs/depress/ghb/ghbq.htm>), visited

Update of controlled substance schedules

Continuing law provides for the automatic revision of the Ohio controlled substance schedules to correspond to the revisions of the federal controlled substance schedules made by the Attorney General of the United States (R.C. § 3719.43). The act amends the Ohio controlled substance schedules to reflect recent revisions to the federal controlled substance schedules.

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	08-19-99	p. 1190
Reported, H. Health, Retirement & Aging	10-08-99	pp. 1235-1236
Passed House (96-0)	10-13-99	pp. 1264-1265
Reported, S. Health, Human Services & Aging	12-09-99	pp. 1237-1238
Passed Senate (32-0)	12-09-99	pp. 1242-1243

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December 29, 1999. NIDA Infobox: Rohypnol and GHB (National Institute on Drug Abuse, National Institutes of Health, <http://165.112.78.61/Infobox/RohypnolGHB.html>, visited December 29, 1999.

