



H.B. 428

123rd General Assembly

(As Reported by H. Health, Retirement and Aging)

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, Olman, Beatty, Van Vyven

BILL 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 manufacturers and wholesalers, terminal distributors of dangerous drugs, certain health care practitioners, and pharmacists.

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 currently 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 dependency" (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 bill makes gamma-hydroxy-butyrate (GHB) a Schedule II controlled substance. GHB is a fast-acting central nervous system depressant. It is a colorless and odorless liquid with a salty taste, but it is also used in powder and capsule form. According to the National Clearinghouse for Alcohol and Drug Information (NCADI), possession of GHB is not illegal under federal law, but it is illegal for a person to produce or sell GHB in the United States.¹ In January 1999, the Food and Drug Administration issued a warning against the use of GHB.²

GHB is, according to NCADI, sometimes characterized as a "date-rape" drug. Because it is colorless and odorless, it can be slipped into someone's drink. GHB may produce amnesia and the victim may not be able to recall what happened. In addition, since GHB may make a person less inhibited and may increase sexual feelings, establishing whether or not a rape occurred becomes more difficult.

GHB has been studied for its ability to induce short-term coma and possible surgical anesthesia. It has also been used successfully as a sleep-inducing aid to treat people who suffer from narcolepsy. Other potential clinical uses include treatment of alcohol and opiate dependence, protection against hemorrhagic shock, and improving liver function. While GHB has been used in clinical testing, it has never been approved for sale as a medical product in the United States.

¹ *NCADI-Fact Sheet: GHB Questions and Answers* (<http://www.health.org/pubs/qdocs/depress/ghb/ghbq.htm>), visited September 20, 1999.

² *"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).

Update of controlled substance schedules

Current 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 bill 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

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