

106TH CONGRESS
1ST SESSION

H. R. 1065

To require the Attorney General to add to schedule III of the Controlled Substances Act, the “Date Rape” drugs ketamine hydrochloride and gamma y-hydroxybutyrate.

IN THE HOUSE OF REPRESENTATIVES

MARCH 10, 1999

Mr. STUPAK introduced the following bill; which was referred to the Committee on Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To require the Attorney General to add to schedule III of the Controlled Substances Act, the “Date Rape” drugs ketamine hydrochloride and gamma y-hydroxybutyrate.

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 SHORT TITLE.—This Act may be cited as the “Date
5 Rape Prevention Act of 1999”.

6 **SEC. 2. SCHEDULING CERTAIN SUBSTANCES.**

7 Notwithstanding section 201 or subsection (a) or (b)
8 of section 202 of the Controlled Substances Act (21

1 U.S.C. 811, 812(a), 812(b)) respecting the scheduling of
2 controlled substances, the Attorney General shall, by
3 order, add ketamine hydrochloride and gamma y-
4 hydroxybutyrate to schedule III of such Act.

5 **SEC. 3. ADDITIONAL PENALTIES RELATING TO GAMMA Y-**
6 **HYDROXYBUTYRATE OR ITS ANALOGUES OR**
7 **KETAMINE HYDROCHLORIDE OR ITS ANA-**
8 **LOGUES.**

9 (a) GENERAL PENALTIES.—Section 401 of the Con-
10 trolled Substances Act (21 U.S.C. 841) is amended in sub-
11 section (b)(1)(C), by inserting “, or any amount of gamma
12 y-hydroxybutyrate (GHB) or its analogues or ketamine
13 hydrochloride or its analogues,” after “I or II”.

14 (b) IMPORT AND EXPORT PENALTIES.—

15 (1) Section 1009(a) of the Controlled Sub-
16 stances Import and Export Act (21 U.S.C. 959(a))
17 is amended by inserting “or gamma y-
18 hydroxybutyrate (GHB) or its analogues or
19 ketamine hydrochloride or its analogues” after “I or
20 II”.

21 (2) Section 1010(b)(3) of the Controlled Sub-
22 stances Import and Export Act (21 U.S.C. 960(b))
23 is amended by inserting “or gamma y-
24 hydroxybutyrate (GHB) or its analogues or

1 ketamine hydrochloride or its analogues” after “I or
2 II”.

3 (3) Section 1010(b)(4) of the Controlled Sub-
4 stances Import and Export Act is amended by in-
5 serting “(except a violation involving gamma y-
6 hydroxybutyrate (GHB) or its analogues or
7 ketamine hydrochloride or its analogues)” after “III,
8 IV or V,”.

9 (c) SENTENCING GUIDELINES.—

10 (1) AMENDMENT OF SENTENCING GUIDE-
11 LINES.—Pursuant to its authority under section 994
12 of title 28, United States Code, the United States
13 Sentencing Commission shall review and amend, as
14 appropriate, the sentencing guidelines for offenses
15 involving gamma y-hydroxybutyrate (GHB) or its
16 analogues or ketamine hydrochloride or its ana-
17 logues.

18 (2) SUMMARY.—The United States Sentencing
19 Commission shall submit to the Congress—

20 (A) a summary of its review under para-
21 graph (1); and

22 (B) an explanation for any amendment to
23 the sentencing guidelines made under para-
24 graph (1).

1 (3) SERIOUS NATURE OF OFFENSES.—In carry-
 2 ing out this subsection, the United States Sentenc-
 3 ing Commission shall ensure that the sentencing
 4 guidelines for offenses involving gamma y-
 5 hydroxybutyrate (GHB) or its analogues or
 6 ketamine hydrochloride or its analogues reflect the
 7 serious nature of such offenses.

8 **SEC. 4. INCREASED PENALTIES FOR UNLAWFUL SAMPLE 1**
 9 **POSSESSION OF GAMMA Y-**
 10 **HYDROXYBUTYRATE (GHB) OR ITS ANA-**
 11 **LOGUES OR KETAMINE HYDROCHLORIDE OR**
 12 **ITS ANALOGUES.**

13 Section 404(a) of the Controlled Substances Act (21
 14 U.S.C. 844(a)) is amended by inserting after “exceeds 1
 15 gram.” the following: “Notwithstanding any penalty pro-
 16 vided in this subsection, any person convicted under this
 17 subsection for the possession of gamma y-hydroxybutyrate
 18 (GHB) or its analogues or ketamine hydrochloride or its
 19 analogues shall be sentenced to a term of imprisonment
 20 which may not be more than 3 years, shall be fined as
 21 otherwise provided in this section, or both.”.

22 **SEC. 5. CHEMICAL LISTING.**

23 The Attorney General shall specify gamma butyro-
 24 lactone (GBL) as a list I chemical in the Chemical Diver-
 25 sion and Trafficking Act of 1988 (21 U.S.C. 802).

1 **SEC. 6. EDUCATION AND DRUG ABUSE PREVENTION.**

2 The Attorney General shall establish programs
3 throughout the United States and disseminate materials
4 to provide young people in high school and college with
5 education about the use of controlled substances in the
6 furtherance of rape and sexual assault and shall assist law
7 enforcement personnel in the prevention of abuse of con-
8 trolled substances for such purposes.

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