

3/11/97 Judiciary

FILED MAR 10 1997

SENATE FILE **382**
BY TINSMAN

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act prohibiting the possession or distribution of gamma-
2 hydroxybutyric acid under certain circumstances, and providing
3 a penalty.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 382

TLSB 2649XS 77

lh/jw/5

1 Section 1. NEW SECTION. 126.27 GAMMA-HYDROXYBUTYRATE.

2 1. UNLAWFUL POSSESSION. Any person who possesses gamma-
3 hydroxybutyrate (also known as gamma-hydroxybutyric acid, or
4 GHB), or any substance containing gamma-hydroxybutyrate
5 commits an aggravated misdemeanor. This subsection shall not
6 apply to any person who obtains or possesses gamma-
7 hydroxybutyrate or any material containing gamma-
8 hydroxybutyrate pursuant to a lawful order of a physician or
9 other authorized prescriber for the legitimate treatment of
10 disease.

11 2. UNLAWFUL DISTRIBUTION. Any person who distributes
12 gamma-hydroxybutyrate, or possesses gamma-hydroxybutyrate with
13 the intent to distribute to any other person, commits an
14 aggravated misdemeanor if the person intends to promote or
15 allow the unlawful use of the substance or if the person knows
16 that the other person will use the substance for unlawful
17 purposes.

18 EXPLANATION

19 This bill provides that a person who unlawfully possesses
20 or distributes gamma-hydroxybutyrate commits an aggravated
21 misdemeanor. A person who obtains or possesses gamma-
22 hydroxybutyrate pursuant to a prescription issued by an
23 authorized prescriber for the legitimate treatment of disease
24 is exempt from the prohibition against unlawful possession. A
25 person is only guilty of unlawful distribution if the person
26 distributes gamma-hydroxybutyrate and intends to promote or
27 allow the unlawful use of the substance or if the person knows
28 that the other person will use the substance for unlawful
29 purposes.

30 An aggravated misdemeanor is punishable by incarceration of
31 up to two years and a fine of at least \$500 but not to exceed
32 \$5,000.

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