

SENATE FILE **497**
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 382)

Passed Senate, Date 3/24/97 (p. 744) Passed House, Date 4/21/97 (p. 1376)
Vote: Ayes 48 Nays 0 Vote: Ayes 97 Nays 1
Approved May 1, 1997

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. 497

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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FISCAL NOTE

The estimate for Senate File 497 is hereby submitted as a fiscal note pursuant to Joint Rule 17 and as a correctional impact statement pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 497 makes unlawful possession or distribution of gamma-hydroxybutyrate an aggravated misdemeanor.

CORRECTIONAL AND FISCAL IMPACT

This is a new offense, and no data is available to estimate the impact of this Bill.

SOURCE

Criminal and Juvenile Justice Planning Division,
Department of Human Rights

(LSB 2649sv, MDF)

FILED MARCH 27, 1997

BY DENNIS PROUTY, FISCAL DIRECTOR

that the other person will use the substance for unlawful purposes.

SENATE FILE 497

AN ACT

PROHIBITING THE POSSESSION OR DISTRIBUTION OF GAMMA-HYDROXY-BUTYRIC ACID UNDER CERTAIN CIRCUMSTANCES, AND PROVIDING A PENALTY.

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

Section 1. NEW SECTION. 126.27 GAMMA-HYDROXYBUTYRATE.

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

2. UNLAWFUL DISTRIBUTION. Any person who distributes gamma-hydroxybutyrate, or possesses gamma-hydroxybutyrate with the intent to distribute to any other person, commits an aggravated misdemeanor if the person intends to promote or allow the unlawful use of the substance or if the person knows

MARY E. KRAMER
President of the Senate

RON J. CORBETT
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 497, Seventy-seventh General Assembly.

MARY PAT GUNDERSON
Secretary of the Senate
Approved May 1, 1997

TERRY E. BRANSTAD
Governor

SF 497