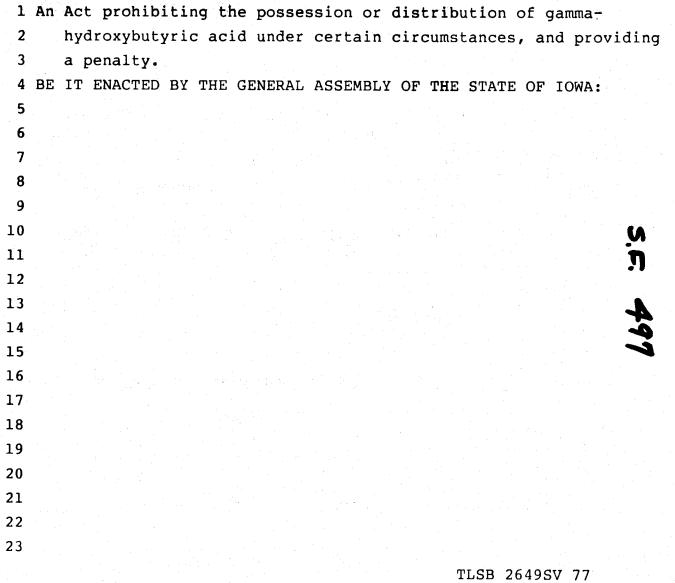
H- 3-25-97 Ja ciary H. 4/10/97 Unfinished Busine Coluder FILED MAR 17 1997

SENATE FILE <u>497</u> 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



TLSB 2649SV 1 lh/jw/5

s.f. **497** H.F.

Section 1. <u>NEW SECTION</u>. 126.27 GAMMA-HYDROXYBUTYRATE.
1. UNLAWFUL POSSESSION. Any person who possesses gamma3 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 gamma7 hydroxybutyrate or any material containing gamma8 hydroxybutyrate pursuant to a lawful order of a physician or
9 other authorized prescriber for the legitimate treatment of

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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- 35

LSB 2649SV 77 1h/iw/5

SENATE FILE 497 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, <u>Code of Iowa</u>. 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

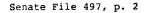
(LSB 2649sv, MDF)

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. <u>NEW SECTION</u>. 126.27 GAMMA-HYDROXYBUTYRATE. 1. UNLAWFUL POSSESSION. Any person who possesses gammahydroxybutyrate (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 gammahydroxybutyrate or any material containing gammahydroxybutyrate 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 President of the Senate

MARY E. KRAMER

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.

Approved

MARY PAT GUNDERSON Secretary of the Senate 1997

TERRY E. BRANSTAD Governor

SF 497