

Testimony before the House Judiciary Committee
March 8, 1999
Rep. Sara Steelman

I appreciate the opportunity to offer testimony on the issue of controlling the manufacture and sale of "date rape" drugs in Pennsylvania and commend the Judiciary Committee for holding today's hearing.

About a year ago, I became interested in the problem of reducing the availability of drugs such as Rohypnol and gamma-hydroxybutyric acid because of an incident in the borough of Indiana, which I represent. The police raided a house where there was reason to believe that drug synthesis was taking place. In the event, however, the district attorney discovered that he could not prosecute the lab operators for making gamma-hydroxybutyric acid because although it is a felony in Pennsylvania to use these drugs to commit sexual assault, it is not illegal to make or possess them.

This event happened a short time after we had passed Rep. Ellen Bard's legislation criminalizing the use of these drugs, and at about the same time I read a report on the efforts of other states to ban their manufacture, possession, use, or delivery. It seemed clear to me that we needed legislation to do the same thing in Pennsylvania, and I had a bill drafted that added flunitrazepam (Rohypnol) and gamma-hydroxybutyric acid to Schedule IV of the Controlled Substance, Drug, Device and Cosmetic Act.

This bill, HB 2680, was introduced in June of 1998 with 28 co-sponsors. Like most bills introduced in the last quarter of the legislative session, however, it did not come before the House. However, I was able to raise the issue on the floor in several amendments.

In the flurry of co-sponsorship memos that marks the beginning of every new session, I received two memos proposing legislation similar in intent to HB 2680. I've also had that bill redrafted, but I don't think we need three bills on the subject, particularly since HB 111 and HB 183 are already moving and I think we've waited long enough to take action on this issue.

In looking at HB 183, Rep. Benninghoff's bill; HB 111, Rep. Dermody's bill; and HB 2680, it's clear that all three have the same intent but slightly different language. The two major differences seem to be in the way in which "date rape" drugs are added to the schedule and in which drugs are specifically referenced.

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My bill added both gamma-hydroxybutyric acid and flunitazepam to the existing list of Schedule IV drugs, which restricts the use of both the pure substance named and any compound or mixture that includes the pure substance, while HB 111 adds gamma-hydroxybutyrate acid as an addendum to that list and HB 183 lists the pure substances gamma-hydroxybutyrate and the sodium salt of gamma-hydroxybutyric acid in a separate section.

I believe that we're going to hear testimony from a pharmacologist that will help clarify which of these drugs we should specify, as well as whether we should restrict only the pure substances or include compounds as well in the final form of the legislation. I included flunitrazepam in the list because Rohypnol has been specifically implicated in a number of sexual assault cases, but GHB may present more of a threat because it is reportedly easier for an amateur chemist to synthesize.

In any case, we should move promptly to refine the language of the final bill, bring it out of the House, and encourage the Senate to move on it with equal dispatch. In the months since I first became interested in this issue because of the problems I was seeing in my own district, things have gotten worse, not better. In addition to being used as an adjunct to sexual assault, these substances are apparently more commonly becoming drugs of abuse. We need to pass this legislation to give local law enforcement officials the tools they need to do their job and protect the citizens of Pennsylvania from an increasing threat to their safety.