

HB

69

FISCAL NOTE

No. 2
 Bill Version: SS HB 69
 (H) Publish Date: 2/13/97

STATE OF ALASKA
 1997 LEGISLATIVE SESSION

BILL NO:

Revision Date: _____ Dept. Affected: Public Safety
 Title: Flunitrazepam Made Schedule IA Drug BRU: Alaska State Troopers
 Component: Narcotics Task Force
 Sponsor: Rep. Vezey
 Requestor: House Judiciary COMPONENT SERIAL NO. 798

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
OPERATING						
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ()	-0-	-0-	-0-	-0-	-0-	-0-
Revenue Code						

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program						
1006 GF/MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

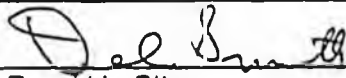
Estimate of current year (FY 97) impact: \$ _____

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary.)

This bill would make flunitrazepam a schedule IA drug. This would have no significant fiscal impact on AST.

Prepared By: Capt. Ted M. Bachman Phone: 269-5650
 Division: Alaska State Troopers Date: 02/11/97
 Approved by Commissioner:  Date: 2/11/97
 Agency: Department of Public Safety

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COMMITTEE COPY

FISCAL NOTE

No. 1
 Bill Version: SS HB 69
 (H) Publish Date: 2/13/97

**STATE OF ALASKA
 1997 LEGISLATIVE SESSION**

Revision Date: _____ Dept. Affected: Department of Law
 Title: "An Act . . . designating flunitrazepam as a BRU: Criminal Division
schedule IVA controlled substance . . ." Component: Criminal Division
 Sponsor: Representative Vezey
 Requester: House Judiciary Committee COMPONENT SERIAL NO. 2085

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY97) cost: \$ 0.0

POSITIONS

POSITIONS	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill designates the drug flunitrazepam, the "date-rape" drug, as a schedule IVA controlled substance. Passage of this legislation will have no fiscal impact on the Department of Law.

Prepared by: Joan M. Kasson *Joan M. Kasson*
 Division: Administrative Services Division
 Approved by Commissioner: Bruce M. Botelho, Attorney General *Bruce M. Botelho*
 Agency: Department of Law

Phone: 465-5370
 Date: 2/11/97
 Date: 2/11/97

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DATE: 3/12/97

FURTHER:

DATE TURNED
IN TO OFFICE: 3/19/97

Judiciary Committee considered SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 69

"An Act relating to designating flunitrazepam as a schedule IVA controlled substance; and providing for an effective date."

and recommends:

- be replaced with _____ CS _____ (_____)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to the _____ Committee

- Senate Bill:**
- same title
 - new title
- House Bill:**
- same title
 - technical change
 - new: SCR# _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Yrue Teava</i>	✓				
<i>Sean P. Powell</i>	✓				
<i>John Ellis</i>	✓				
CHAIR: <i>Adrian Taylor</i>	✓	CHAIR:			

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal

PREVIOUS ^{House} FISCAL NOTE(S):*

Department	Date	Zero	Fiscal
<i>Law/Criminal</i>	<i>2/11/97</i>	<i>0</i>	
<i>PUBLIC SAFETY/AST</i>	<i>2/11/97</i>	<i>0</i>	

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

**ALASKA NETWORK ON
DOMESTIC VIOLENCE AND SEXUAL ASSAULT**
130 Seward, Rm 501 Juneau, Alaska 99801 (907) 586-3650 (907) 463-4493 fx

Statement Regarding SB94/HB69
February 1997

The Alaska Network on Domestic Violence and Sexual Assault (Network) is the statewide coalition of community domestic violence and sexual assault intervention programs for Alaska. Twenty full member and five supporting member programs provide shelter, advocacy, crisis intervention and, information and referral services to victims seeking assistance in ending the violence being perpetrated against them. The Network works to promote institutional and systemic change necessary to end violence against women.

The Network supports placement of flunitrazepam (rohypnol) on the list of controlled substances as a Schedule IVA substance. The federal DEA is considering moving rohypnol from Schedule IVA to Schedule I. The Network would also support the substance being moved to Schedule I as soon as the federal change is made.

Rohypnol is a sedating substance. It is a prescription sleeping medication available outside of the United States. It is also used as a preanesthetic before surgery or other medical procedures in several countries. Rohypnol is not marketed in this country and a ban on its importation went into effect in March of 1996.

Rohypnol's sedating effect can be exacerbated by the presence of alcohol, a person's sensitivity to the drug, or an increase in the dosage. Its effects generally begin within 20 to 30 minutes of entering a person's system. Its strongest effects occur within one to two hours and, its overall effects usually last from six to eight hours.

Sedating substances such as rohypnol can temporarily inhibit a person's ability to remain awake and conscious. Other possible side effects include impaired judgment, confusion, loss of motor coordination, and dizziness. Periods of impaired memory may also result from being administered a sedating substance such as rohypnol.

Two of rohypnol's street names "the forget pill" and the "date rape drug" demonstrate the malicious intent behind its misuse in the United States. Rapists use the drug to keep victims from being able to resist and as a defense against being caught. Because survivors will have been heavily sedated, they probably will not have complete recall of the rape. They may be uncertain about exactly what happened and who was involved. The inability of a victim to recall facts makes prosecution of a rape where rohypnol was used very difficult.

According to statistics in the US Department of Justice Sourcebook of Criminal Justice Statistics, Alaska has over one and a half times the national average of sexual assaults per capita. Please support the effort to reduce the number of rapes in our state and take away one of the rapist's more insidious tools.

Alaska State Legislature

Interim Address:

119 N. Cushman, Suite 211
Fairbanks, AK 99701
(907)-456-5081
Fax# (907)-456-8245
Official Business



Session Address:

Room 13
State Capitol
600 North 3rd St
Fairbanks, AK
99801-1182

Representative Al Vezey

February 25, 1997 Status Report

SSHB 69

"An Act relating to designating flunitrazepam as a schedule IVA controlled substance; and providing for an effective date."

Sponsor(s): REPRESENTATIVE(S) VEZEY

Current Status: (H) AWAIT NEXT COM Status Date: 2/24/97

Jrn-Date	Jrn-Pg	Action
1/15/97	67 (H)	READ THE FIRST TIME - REFERRAL(S)
1/15/97	67 (H)	JUDICIARY, FINANCE
2/07/97	264	(H) SPONSOR SUBSTITUTE INTRODUCED-REFERRALS
2/07/97	264	(H) READ THE FIRST TIME - REFERRAL(S)
2/07/97	264	(H) JUDICIARY, FINANCE
2/12/97		(H) JUD AT 1:00 PM CAPITOL 120
2/13/97	331	(H) JUD RPT 6DP 1NR
2/13/97	331	(H) DP: GREEN, PORTER, ROKEBERG, CROFT
2/13/97	331	(H) JAMES, BUNDE
2/13/97	331	(H) NR: BERKOWITZ
2/13/97	331	(H) 2 ZERO FISCAL NOTES (LAW, DPS)
2/13/97	331	(H) REFERRED TO FINANCE
2/24/97		(H) FIN AT 1:30 PM HOUSE FINANCE 519
2/24/97		(H) RPT RECD AWAIT TRANSMITTAL NXT COM
2/24/97		(H) FIN RPT 10 DP
2/24/97		(H) DP: THERRIAULT, HANLEY, MULDER, MARTIN
2/24/97		(H) KOHRING, DAVIES, GRUSSENDORF, MOSES
2/24/97		(H) KELLY, FOSTER
2/24/97		(H) 2 ZERO FISCAL NOTES (LAW, DPS) 2/13/97

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 69
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTIETH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE VEZEY

Introduced: 2/7/97

Referred: Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to designating flunitrazepam as a schedule IVA controlled
2 substance; and providing for an effective date."

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

4 * Section 1. AS 11.71.170(b) is amended by adding a new paragraph to read:

5 (27) flunitrazepam.

6 * Sec. 2. This Act takes effect immediately under AS 01.10.070(c).

HOUSE BILL NO. 69
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTIETH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE VEZEY

Introduced: 1/15/97
Referred: Judiciary, Finance

A BILL
FOR AN ACT ENTITLED

1 "An Act relating to designating flunitrazepam as a schedule IA controlled
2 substance; and providing for an effective date."

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

4 * Section 1. AS 11.71.140 is amended by adding a new subsection to read:

5 (e) Schedule IA includes, unless specifically excepted or unless listed in
6 another schedule, any material, compound, mixture, or preparation which contains any
7 quantity of the following substance, including its salts, isomers, and salts of isomers
8 whenever the existence of these salts, isomers, and salts of isomers is possible within
9 the specific chemical designation: flunitrazepam.

10 * Sec. 2. This Act takes effect immediately under AS 01.10.070(c).

WORK ORDER REQUEST FORM

W.J. [20] LS-0303

KEYWORDS: CRIME/CRIMINAL PROCEDURE ASSIGNED: Luckhaupt

DRUGS

REQUEST FOR: New Bill

TAKEN BY: Barnes

SUBJECT: Crimes Related to Rohypnol

REQUESTED FOR: REP VEZEY BY: Joseph Easaw PHONE: 456-5081

DELIVER TO: Rep. Vezey, Cap. 13

INSTRUCTIONS: Draft bill relating to Rohypnol, per attached.

OBTAIN	SPECIAL DRAFTING INSTRUCTIONS ATTACHED [] AUTHORIZED TO CONFER WITH _____ _____ RETURN _____ _____ TO REQUESTOR APPROVED: <input checked="" type="checkbox"/> DIRECTOR, LEGAL SERVICES
--------	---

REVIEWED _____ IN <u>01/02/97</u> DUE _____ TYPED: Draft _____ Date _____ Final _____ Date _____ PROOFED _____ DELIVERED _____	SPECIAL INSTRUCTIONS to TYPING/PROOFING _____ _____ Request for DRAFT
--	--

Alaska State Legislature

House of Representatives

Interim Address:
119 N. Cushman, Suite 211
Fairbanks, AK 99701
(907)-456-5081
Fax# (907)-456-8245

Session Address:
Room 13



Official Business

State Capitol
Juneau, Alaska 99801-1182

Representative Al Vezey

HB 69

CLASSIFYING FLUNITRAZEPAM AS A CONTROLLED SUBSTANCE

Flunitrazepam, trade name Rohypnol, is known by street names that include Roaches, Roches, Rocha, Rophies, Roofies, Ruffies, Ropes, and Rib. The drug induces deep sleep and causes amnesia. Illegal use of this drug is on the increase in the United States and its illegal use has been suspected in Alaska. Rohypnol is a drug that is not readily detectable in urine by using a standard urine test.

The most heinous illegal use of this drug is to slip it into the drink of a female as a prelude to rape. Typically the victim does not remember what happened for several hours after ingesting the drug.

Victims of drug induced rape can not identify their victims and conviction are difficult and rare. This bill would make the mere possession of this drug a serious crime in the same class as sexual assault in the first degree. HB 69 sends a clear message that we will not tolerate in our society those who would perpetrate sexual abuse.

Flunitrazepam is the generic name for a drug in the class of prescription medicines known as benzodiazepines. It is manufactured in Europe and Latin American by Hoffman-La Roche under the trade name Rohypnol.

Alaska State Legislature

Interim Address:
119 N. Cushman, Suite 211
Fairbanks, AK 99701
(907)-456-5081
Fax# (907)-456-8245

Official Business



Session Address:
Room 13
State Capitol
Juneau AK
99801-1182
(907)-465-3719

Representative Al Vezey

January 17, 1997

Kendal Kaihoi
Board of Pharmacy
4737 Villanova Drive
Fairbanks, AK 99709

Dear Kendal:

Enclosed is a copy of a bill I have filed that classifies flunitrazepam as a controlled substance under state law. Federal law currently classifies this as a controlled substance.

The effect of this bill would be to make the possession of flunitrazepam with the intent to manufacture or distribute a Class A felony under Alaska law. The distribution of flunitrazepam to minors would become an unclassified felony.

Federal law currently prohibits the manufacture or distribution of flunitrazepam in the United States.

I would appreciate any comments you have on HB 69 or flunitrazepam. Thank you for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Al Vezey".

Rep. Al Vezey

cc: Jo Dawson, Licensing Examiner

Flū nī trāz é pām

ALASKA STATE LEGISLATURE

News From The House Majority

web site: <http://www.akrepublicans.org>

State Capitol
Juneau, AK 99801
Actuality line: 1-800-478-6540

Ken Freeman
Press Secretary

(907) 465-3804

Use of Date Rape Drug To Become Felony

For Immediate Release: February 18, 1997

Contact: Rep. Al Vezey (907) 465-3719

JUNEAU - Legislation introduced in the House of Representatives February 7th by Representative Al Vezey (R-Fairbanks) classifies Flunitrazepam, the "date rape" drug, as a controlled substance. The bill would classify the drug as a Schedule IV(A) controlled substance and makes possession of the drug a felony.

HB 69 has been passed out of the House Judiciary Committee and is awaiting action by the House Finance Committee. Currently the use of Rohypnol is covered under federal law. Alaska does not have any state law governing its use.

Rep. Vezey said that Flunitrazepam, trade name Rohypnol, is known by street names that include Roaches, Roches, Rocha, Rophies, Roofies, Ruffies, Ropes and Ribs. The Alaska Scientific Crime Detection Laboratory is in the process of verifying evidence believed to be the first evidence of Rohypnol's presence in Alaska from the first arrest involving the possession of Rohypnol.

According to Everett Clary, controlled substance supervisor with the State Crime Lab, Rohypnol is making its way to Alaska.

"Within the last few weeks we do have what looks to be our first drug possession case of a large quantity of Rohypnol," said Clary.

Clary noted that in his personal view, Alaska falls three or four years behind other states when it comes to drug use.

"Rohypnol is currently a big problem in the U.S. The use in Alaska has just begun and I think it is time for us to have this legislation in place to be ready for its potential use in our state," said Clary.

Rep. Vezey introduced HB 69 because he said Rohypnol is becoming a growing threat to teenagers and young adults. Vezey said that middle and high school students, college students, and street gangs use Rohypnol to boost and prolong the intoxicating effects of alcohol, while heroin addicts use the drug to increase the high produced by heroin and cocaine addicts use Rohypnol to moderate the effects of a cocaine binge.

"The most heinous illegal use of this drug is to slip it into the drink of a female as a prelude to rape. The drug induces deep sleep and causes amnesia. Victims of drug induced rape can not identify their victims and convictions are difficult and rare. HB 69 sends a clear message that we will not tolerate those who would perpetrate sexual abuse in our society," said Vezey.

Vezey noted that one way to make safer communities is to make sure that the illegal use of drugs like Rohypnol are classified as controlled substances and the offenders are punished as felons.

Broadcast Note: An audio actuality is available by calling 1-800-478-6540.

###

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. SSHB 69

Revision Date: _____ Dept. Affected: Department of Law
 Title: "An Act . . . designating flunitrazepam as a BRU: Criminal Division
schedule IVA controlled substance . . ." Component: Criminal Division
 Sponsor: Representative Vezey
 Requester: House Judiciary Committee COMPONENT SERIAL NO. 2085

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF Program Receipts						
1005 GF MMTA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY97) cost: \$ 0.0

POSITIONS

POSITIONS	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill designates the drug flunitrazepam, the "date-rape" drug, as a schedule IVA controlled substance. Passage of this legislation will have no fiscal impact on the Department of Law.

Prepared by: Joan M. Kasson *Joan M. Kasson*
 Division: Administrative Services Division
 Approved by Commissioner: Bruce M. Botelho, Attorney General *Bruce M. Botelho*
 Agency: Department of Law

Phone: 455-5370
 Date: 2/11/97
 Date: 2/11/97

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SSHB 69

"An Act relating to designating flunitrazepam as a schedule IVA controlled substance; and providing for an effective date."

Sponsor(s): REPRESENTATIVE(S) VEZEY

Current Status: (H) FIN

Status Date: 2/13/97

Jrn-Date	Jrn-Pg		Action
1/15/97	67	(H)	READ THE FIRST TIME - REFERRAL(S)
1/15/97	67	(H)	JUDICIARY, FINANCE
2/07/97	264	(H)	SPONSOR SUBSTITUTE INTRODUCED- REFERRALS
2/07/97	264	(H)	READ THE FIRST TIME - REFERRAL(S)
2/07/97	264	(H)	JUDICIARY, FINANCE
2/12/97		(H)	JUD AT 1:00 PM CAPITOL 120
2/13/97	331	(H)	JUD RPT 6DP 1NR
2/13/97	331	(H)	DP: GREEN, PORTER, ROKEBERG, CROFT
2/13/97	331	(H)	JAMES, BUNDE
2/13/97	331	(H)	NR: BERKOWITZ
2/13/97	331	(H)	2 ZERO FISCAL NOTES (LAW, DPS)
2/13/97	331	(H)	REFERRED TO FINANCE

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO: HB 69

Revision Date: _____ Dept. Affected: Public Safety
 Title: Flunitrazepam Made Schedule IA Drug BRU: Alaska State Troopers
 Component: Narcotics Task Force
 Sponsor: Rep. Vezey
 Requestor: House Judiciary COMPONENT SERIAL NO. 798

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
OPERATING						
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES () Revenue Code	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program						
1006 GF/MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

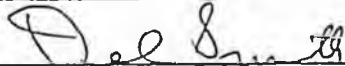
Estimate of current year (FY 97) impact: \$ _____

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary.)

This bill would make flunitrazepam a schedule IA drug. This would have no significant fiscal impact on AST.

Prepared By: Capt. Ted M. Bachman Phone: 269-5650
 Division: Alaska State Troopers Date: 02/11/97
 Approved by Commissioner:  Date: 2/11/97
 Agency: Department of Public Safety

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
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SSHB 69

"An Act relating to designating flunitrazepam as a schedule IVA controlled substance; and providing for an effective date."

Sponsor(s): REPRESENTATIVE(S) VEZEY

Current Status: (H) FIN

Status Date: 2/13/97

Jrn-Date	Jrn-Pg		Action
1/15/97	67	(H)	READ THE FIRST TIME - REFERRAL(S)
1/15/97	67	(H)	JUDICIARY, FINANCE
2/07/97	264	(H)	SPONSOR SUBSTITUTE INTRODUCED- REFERRALS
2/07/97	264	(H)	READ THE FIRST TIME - REFERRAL(S)
2/07/97	264	(H)	JUDICIARY, FINANCE
2/12/97		(H)	JUD AT 1:00 PM CAPITOL 120
2/13/97	331	(H)	JUD RPT 6DP 1NR
2/13/97	331	(H)	DP: GREEN, PORTER, ROKEBERG, CROFT
2/13/97	331	(H)	JAMES, BUNDE
2/13/97	331	(H)	NR: BERKOWITZ
2/13/97	331	(H)	2 ZERO FISCAL NOTES (LAW, DPS)
2/13/97	331	(H)	REFERRED TO FINANCE

Documented Federal (DEA and U.S. Customs) plus State and Local Law Enforcement Cases Involving Flunitrazepam Collected as of December 24, 1996. (Information was collected by Dr. James M. Tolliver, Drug and Chemical Evaluation Section, Office of Diversion Control, DEA)

STATE AND LOCAL CASES 3230

DEA CASES 136

1987 to December 1996
(Arizona, California, Florida, Georgia,
Illinois, Kansas, Maryland, New Mexico, New York,
Oklahoma, Rhode Island, Puerto Rico,
South Carolina, Tennessee, Texas, Virginia, Alabama)

CUSTOMS CASES (Mail Seizures)

January 1990 To December 1995 68

Violator Residence: Connecticut, Colorado,
Florida, Hawaii, Massachusetts, New Jersey,
New York, North Carolina, Texas

January 1996 To October 1996 37

Violator Residence: California, Florida
Hawaii, Illinois, Massachusetts, Minnesota
New Jersey, New York, Texas, Washington

CUSTOMS CASES (Non-Mail Seizures)

January 1990 To January 1996 196

Violator Residence: Alabama, Arkansas,
Arizona, California, Florida, Georgia,
Indiana, Kansas, Louisiana, Mexico,
Mississippi, New York, Ohio, Oklahoma,
South Carolina, Tennessee, Texas, Virginia

January 1996 to October 1996 105

Violator Residence: Alabama, Arizona,
California, Colorado, Florida, Hawaii,
Illinois, Louisiana, Maryland, Massachusetts,

New Jersey, New York, Oklahoma, Pennsylvania,
Texas, Washington

TOTAL LAW ENFORCEMENT CASE

3773

Numbers of State and Local Law Enforcement Cases Involving Flunitrazepam Documented As Of December 24, 1996. (Information was collected by Dr. James M. Tolliver, Drug and Chemical Evaluation Section, Office of Diversion Control, within the Drug Enforcement Administration).

Alabama	21
Arizona	97
Arkansas	2
California	38
Connecticut	1
Florida	1159
Georgia	14
Hawaii	2
Illinois	2
Indiana	3
Kansas	7
Louisiana	193
Maryland	3
Michigan	1
Minnesota	2
Mississippi	31
Missouri	1
Montana	1
Nevada	1
New Jersey	3
New Mexico	3
New York	10
North Carolina	10
North Dakota	1
Ohio	3
Oklahoma	86
Oregon	1
Pennsylvania	1
Rhode Island	1
South Carolina	1
Tennessee	2
Texas	1538
Virginia	3
Washington	1
TOTAL	3230

*HLR Service
A Member of the Roche Group*

Jon C. Christensen
Senior Regional Manager
State Government Affairs
9707 - 166th Street Court, East
Puyallup, Washington 98373
(206) 770-3741

February 10, 1997

Mr. Kendal Kahoi
Board of Pharmacy
4737 Villanove Drive
Fairbanks, AK 99709

Dear Mr. Kahoi:

I had previously written to you regarding House Bill 69 introduced by Representative Al Vezey that would have placed flunitrazepam (the generic name for Rohypnol) in Schedule IA under Alaska state law.

Representative Vezey has just introduced SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 69.

We at Roche are pleased to *support* SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 69, which I have enclosed.

At Hoffmann-La Roche, the manufacturer of Rohypnol, we are extremely concerned by the issue of drug-induced sexual assault and reports that one of our medications may be one of the many misused in this way.

Rohypnol belongs to the class of medications known as benzodiazepines, which collectively have more than 30 years of medical use for the treatment of a variety of central nervous system conditions. They are currently classified in the United States in Schedule IV of the Federal Controlled Substances Act.

I am happy to answer any questions you may have and welcome the opportunity to speak with you further on this issue.

Sincerely,

Jon C. Christensen

Enclosure

cc: Representative Al Vezey

*HLR Service
A Member of the Roche Group*

Jon C. Christensen
Senior Regional Manager
State Government Affairs
9707 - 166th Street Court, East
Puyallup, Washington 98373
(206) 770-3741

February 10, 1997

Barry Christensen, RPh.
Island Pharmacy
3235 Tongrass Avenue
Ketchikan, AK 99901

Dear Mr. Christensen:

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Senior Regional Manager
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Puyallup, Washington 98373
(206) 770-3741

February 10, 1997

Ms. Erin Casey-Bryne
Alaska Pharmacist Association
4107 Laurel Street
Anchorage, AK 99508

Dear Ms. Carey-Bryne:

I had previously written to you regarding House Bill 69 introduced by Representative Al Vezey that would have placed flunitrazepam (the generic name for Rohypnol) in Schedule IA under Alaska state law.

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Jon C. Christensen
Senior Regional Manager
State Government Affairs
9707 - 166th Street Court, East
Puyallup, Washington 98373
(206) 770-3741

February 10, 1997

Ms. Kathy Taylor
Veterinary Examiners
333 Willoughby Avenue, Ninth Floor
Juneau, AK 99801

Dear Ms. Taylor:

I had previously written to you regarding House Bill 69 introduced by Representative Al Vezey that would have placed flunitrazepam (the generic name for Rohypnol) in Schedule IA under Alaska state law.

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Jon C. Christensen
Senior Regional Manager
State Government Affairs
9707 - 166th Street Court, East
Puyallup, Washington 98373
(206) 770-3741

February 10, 1997

Ms. Katherine Hazelton
Licensing Examiner
Board of Dental Examiners
333 Willoughby Avenue, Ninth Floor
Juneau, AK 99801

Dear Ms. Hazelton:

I had previously written to you regarding House Bill 69 introduced by Representative Al Vezey that would have placed flunitrazepam (the generic name for Rohypnol) in Schedule IA under Alaska state law.

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A Member of the Roche Group

Jon C. Christensen
Senior Regional Manager
State Government Affairs
9707 - 166th Street Court, East
Puyallup, Washington 98373
(206) 770-3741

February 10, 1997

Ms. Jun Marquis
Licensing Examiner
Board of Nursing
333 Willoughby Avenue, Ninth Floor
Juneau, AK 99801

Dear Ms. Marquis:

I had previously written to you regarding House Bill 69 introduced by Representative Al Vezey that would have placed flunitrazepam (the generic name for Rohypnol) in Schedule IA under Alaska state law.

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Jon C. Christensen
Senior Regional Manager
State Government Affairs
9707 - 166th Street Court, East
Puyallup, Washington 98373
(206) 770-3741

February 10, 1997

Ms. Leslie Abel
Executive Secretary
Medical Board
333 Willoughby Avenue, Ninth Floor
Juneau, AK 99801

Dear Ms. Abel:

I had previously written to you regarding House Bill 69 introduced by Representative Al Vezey that would have placed flunitrazepam (the generic name for Rohypnol) in Schedule IA under Alaska state law.

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Jon C. Christensen
Senior Regional Manager
State Government Affairs
9707 - 166th Street Court, East
Puyallup, Washington 98373
(206) 770-3741

February 10, 1997

Ms. Jo Dawson
Licensing Examiner
Board of Pharmacy
333 Willoughby Avenue, Ninth Floor
Juneau, AK 99801

Dear Ms. Dawson:

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Jon C. Christensen
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State Government Affairs
9707 - 166th Street Court, East
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February 10, 1997

Mr. Jim Jordan
Alaska Medical Association
4107 Laurel Street
Anchorage, AK 99508

Dear Mr. Jordan:

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GENERAL INFORMATION ON FLUNITRAZEPAM

Prepared by

James M. Tolliver, Ph.D.
Pharmacologist
Office of Diversion Control
Drug and Chemical Evaluation Section
Drug Enforcement Administration
January 26, 1996

General Pharmacology

Flunitrazepam belongs to the class of drugs called benzodiazepines. It produces a spectrum of pharmacological effects similar to that of other classical benzodiazepines such as diazepam. These effects include skeletal muscle relaxation, sedation, reductions in anxiety and prevention of seizures. Of these various effects, the sedative/hypnotic effects are most important. With respect to sedative effects flunitrazepam is considered to be approximately 7 to 10 times more potent than diazepam (i.e. Valium) and 4 to 8 times less potent than triazolam (i.e. Halcion).

Flunitrazepam is rapidly and almost entirely absorbed following oral administration. Peak blood levels usually occur between 1 and 2 hours. Entry into the central nervous system also is rapid. The effects produced by flunitrazepam appear with an onset of approximately 15 to 20 minutes. Flunitrazepam is extensively metabolized primarily to the active metabolites, 7-aminoflunitrazepam and N-desmethyflunitrazepam. Both of these metabolites are glucuronadated and eliminated via the kidney. Due to the comparatively long half-life of flunitrazepam ($T_{1/2} = 16 - 30$ hours) and its two metabolites ($T_{1/2}$ of 7-aminoflunitrazepam = 10 to 16 hours, and $T_{1/2}$ of N-desmethyflunitrazepam = 23 to 33 hours), residual effects of the drug may be experienced at 24 hours or later after the last dose.

Flunitrazepam is extensively marketed worldwide (60 to 80 countries) but is not available for medical use in the United States. Flunitrazepam is marketed under a variety of trade names with "Rohypnol" by Roche Pharmaceuticals being the most widely used name. Other trade names include Absint, Bibittoace, Darkene, Fluninoc, Fluni OPT, Flunipam, Flunita, Flunitrazepam-Ratiopharm, Flunizep V.CT, Flupam, Hypnocalm, Hypnodorm, Hypnor, Hypnosedon, Inervon, Metopram N, Narcozep, Nitam, Pamox, Primum, Psiconeurin, Rohipnol, Roipnol, Ronal, Somnubene, Somnubene F, and Valsera.

It is normally supplied as 0.5, 1 or 2 mg tablets and a 2 mg/ml injectable solution. Where available, flunitrazepam is used primarily as a sedative/hypnotic. For the treatment of insomnia the usual dose is 0.5 to 2 mg taken at bedtime. Flunitrazepam is used either in the tablet or injectable form as a preanesthetic medication prior to surgery. The injectable form is also used as part of a dosage regimen for the induction of anesthesia.

Adverse Effects

Adverse effects associated with the use of flunitrazepam include drowsiness, light-headedness, dizziness, confusion, vertigo, gastrointestinal disturbances, decreased blood pressure, visual disturbances and urinary retention. One or more of these effects may be experienced at doses as low as 1 to 2 mgs of flunitrazepam. Considering that flunitrazepam is long acting, these adverse effects may last for 12 or more hours. It is not uncommon for individuals who have taken a 2 mg dose of flunitrazepam the night before to experience prolonged drowsiness the following morning. Following the administration of very high doses, coma and/or respiratory depression may occur. It is important to note that the sedation and other adverse effects of flunitrazepam can be potentiated by the coadministration of other depressants, particularly alcohol. In the reverse manner, flunitrazepam potentiates the intoxicating effects of alcohol and other depressants. With these effects in mind, it is apparent that the abuse of flunitrazepam in combination with alcohol or other depressants (i.e. heroin) represents a potentially serious public health problem.

Death directly attributed to flunitrazepam has been observed in some countries but not the United States. There has been documented in the medical literature a limited number of cases of coma induction and/or death resulting from the use of either flunitrazepam alone or, more commonly in combination with other drugs, most notably alcohol. Death has occurred as a result of either completed suicides or unintentional intoxication. Death is usually due to depressing and ultimately stopping respiration. To date, in Florida, flunitrazepam (more accurately its metabolite, 7-aminoflunitrazepam) has been detected in the biological fluids of three deceased individuals. There is no evidence, however, that flunitrazepam was the direct cause of any of these deaths.

Flunitrazepam causes anterograde amnesia in which there is significant impairment in the ability to retain in memory information that one is exposed to while under the influence of flunitrazepam. Following use of flunitrazepam, individuals may not remember certain events that they experienced while under the effects of the drug. This effect is quite commonly produced by other drugs within the benzodiazepine class. Anterograde amnesia may be considered a positive effect in the clinical setting where flunitrazepam is used as a preanesthetic medication. However, anterograde amnesia must be considered in unwanted, adverse effect when experienced by individuals who are either legitimately taking the drug at home to treat insomnia or who are abusing the drug on the street.

Limited documentation has also shown that in some individuals flunitrazepam can cause paradoxical excitation and possible violent behavior. This loss of control over one's behavior is not well understood. Of special interest is also the paradoxical amphetamine-like effects reported several years back in teenagers from Chile who abused flunitrazepam by crushing up the tablets and subsequently snorting the powdered material.

Flunitrazepam impairs psychomotor function. This is particularly important when considering individuals who drive while under the influence of flunitrazepam. This drug impairs both reaction time and mental judgement. Both of these effects would be expected to impair driving skills and to enhance the incidence of automobile accidents. Flunitrazepam can also be expected to significantly enhance driving impairment caused by alcohol. Of particular interest is the situation in which flunitrazepam potentiates driving impairment of a dose of alcohol that results in alcohol levels below that designated for producing legal intoxication. Possible flunitrazepam administration should be suspected any time that a driver appears to be behaviorally intoxicated but has alcohol levels below the legal limits for such intoxication. Impairment of driving must be considered a serious public health risk concerning flunitrazepam abuse. Over the past year in southern Florida at least 35 individuals, stopped for impaired driving, have been found to have the flunitrazepam metabolite, 7-aminoflunitrazepam, in their urine, thus, indicating their prior use of flunitrazepam. In many of these cases other drug use, particularly alcohol, cocaine and marijuana use, was also detected, thereby complicating the situation. Nevertheless, these individuals were reported to be sedated and to have severe impairment of psychomotor function and driving ability.

Intoxication with oral overdoses of flunitrazepam is successfully treated by minimizing further oral absorption, supporting vital functions and administering the benzodiazepine antagonist, flumazenil.

Dependence and Abuse Liability

Flunitrazepam use has been documented to produce dependence in man. Abrupt discontinuation of long-term flunitrazepam administration evokes a barbiturate-like withdrawal syndrome consisting of such symptoms as anxiety, difficulty sleeping, increased dreaming, altered sensation of the skin (i.e. burning or prickling sensation), enhanced sensitivity to light and sound and possible grand mal seizures. It is important to note that the majority of individuals abusing flunitrazepam are abusing other drugs, such as alcohol, cocaine or heroin and will, thus, also show dependence to these drugs as well. Abrupt withdrawal of long-term use of either flunitrazepam alone or, more importantly, flunitrazepam in combination with alcohol, can produce potentially life-threatening effects: such withdrawal should, therefore, be done only under medical supervision.

In some instances, individuals, who abruptly terminate flunitrazepam use for the treatment of insomnia, experience a transient (several days) period of insomnia that is

worse than the insomnia that existed just prior to the time treatment was initiated. This rebound insomnia may be sufficiently intense to cause individuals to have second thoughts about terminating use of flunitrazepam. Such an effect may play a role in the development of dependence to flunitrazepam.

In a study reported in 1992 and conducted in a methadone maintenance program operated by the Department of Psychiatry at Innsbruck University in Innsbruck, Austria, 105 heroin addicts were asked to rate their subjective "liking" of a variety of benzodiazepines that they taken in the past. Flunitrazepam was found to be the benzodiazepine most liked by the addicts. Diazepam came in a close second. Other benzodiazepines received much lower liking scores than flunitrazepam or diazepam. The high scores of "liking" suggests that among heroin addicts, flunitrazepam has a high abuse liability.

Abuse of Flunitrazepam in the United States

Over the last several years, flunitrazepam has emerged as a drug of abuse within the United States, particularly in the southern part of the country. Unfortunately, patterns of abuse of flunitrazepam have yet to be well documented. Abuse is primarily in the form of oral administration of one or more tablets usually in combination with other drugs, particularly alcohol but also heroin or cocaine. The tablets contain 2 mg of flunitrazepam and are produced under the trade name of Rohypnol by Roche Pharmaceuticals Inc., most often from Mexico or Columbia. From time to time, anecdotal reports, which have yet to be well substantiated, have claimed that flunitrazepam is snorted, smoked on marijuana or intravenously injected. Populations known to abuse flunitrazepam include junior and senior high school students, college students, nightclub goers, street gang members, sedative/hypnotic abusers, heroin addicts and cocaine abusers. Abuse of flunitrazepam has best been characterized in Florida and Texas.

Flunitrazepam is abused in Florida. This abuse started in the southern part of Florida, particularly in Dade County and, to a lesser extent, in Monroe County. It subsequently spread into Brevard County, Palm Beach County and into the Orlando Area. Drug information centers such as the Up Front Drug Information Center in Miami and the University of Florida Drug Information Center in Gainesville, Florida have received calls concerning Rohypnol from across the state, thus suggesting a wider distribution of Rohypnol abuse. Additional evidence for the spread of Rohypnol abuse to many other areas of Florida comes from the fact that over the time period of approximate August 1994 to August 1995 there has been a substantial increase in the encounters of Rohypnol by law enforcement agencies in many areas, including northern areas, of the state. Street names for flunitrazepam include "Rophies", "Ropies", "Ruffes", "Roofies", "Ropes" and "Roches".

According to the Up Front Drug Information Center in Miami, Florida, individuals using Rohypnol can be divided into at least three groups. One group are high school teenagers,

college students and others who take Rohypnol in order to potentiate and prolong the intoxicating effects of alcohol. One or two tablets of Rohypnol can in combination with a couple of beers can supposedly produce an intoxication. Rohypnol has recently become known as a "club drug" in some parts of southern Florida. The second group consist of heroin addicts who use Rohypnol to boost the high produced by the heroin, which in Southern Florida, is supposedly of low quality. The third group consist of cocaine addicts who use Rohypnol to either moderate the effects of a cocaine binge or to "parachute down" after a binge of cocaine use.

DEA has also gathered specific types of data which indicate the abuse of flunitrazepam among select groups of individuals in Florida. The DEA is currently aware of approximately 20 cases involving the seizure of Rohypnol from students on or around the grounds of a number of different high schools in Dade County and Broward County, Florida. Over the last year in Florida, at least 14 DUI (Driving Under the Influence) cases have revealed flunitrazepam (measured as the 7-aminoflunitrazepam metabolite) either alone or, more commonly, in combination with one or more drugs, primarily cocaine, marijuana and/or alcohol in urine samples taken from impaired drivers. Some recent law enforcement cases have also provided evidence of the abuse of Rohypnol among members of certain street gangs located in south Florida, particularly Dade County.

In Florida, flunitrazepam has been used to aid in the commission of rape. As such, Rohypnol has come to be called the "rape" or "date drug". This misuse stems from the fact that flunitrazepam at sufficient doses and particularly in the presence of other depressants, can cause anterograde amnesia, profound sedation, impaired motor control and adverse alterations in mental judgement and behavior. In the Fall of 1995 in Broward County, two cases were successfully adjudicated in which the defendants were found guilty and sentenced to prison for the rape of women who had been sedated with Rohypnol. In both cases, the defendants admitted to spiking the drinks of the victims with Rohypnol. In one of the cases, the defendant claimed to have used Rohypnol to rape approximately 20 women. In the second case, three juvenile defendants, who were part of a street gang, were tried and convicted as adults for the gang rape of a girl who they had incapacitated using Rohypnol.

In Texas, flunitrazepam is most often abused by high school and college students in combination with other drugs including, but not limited to, alcohol and marijuana. Principals at a number of high schools in Southern Texas have reported the use of Rohypnol by students in their schools. Preliminary data indicates that these individuals will take upwards of about 2 to 5 Rohypnol tablets at one time. Among abusers in Texas, Rohypnol goes by such street names as "Rib", "R-2s", "Roach-2s", "Rope", "Ropers", "Trip-and-Fall", "Remember All", "Mind-erasers", "Rophs" and "Roofies". Among street gang members in the San Antonio, Texas area, the white tablets of Rohypnol are known as "Rochas Dos". Street slang for being under the influence of flunitrazepam is "roached out". At least one school has provided DEA with documentation of a case of toxicity supposedly due to an overdose with Rohypnol. Flunitrazepam is also reported to be abused by

members of street gangs particularly those near the Mexican border. The drug has supposedly been used to sedate and incapacitate girls for purposes of gang rape and subsequent initiation into the gang. Concern has also recently surfaced over the use of this drug for purposes of date rape. One forensic laboratory in the Houston area recently reported the detection of flunitrazepam in residue material obtained from the inside of a cup that was supposedly used to drug a rape victim.

Information gathered primarily from law enforcement agencies and school official indicates that middle school and senior high school students in Arizona and California are abusing Rohypnol. In Arizona an additional street name for Rohypnol is "La Rochas".

Law Enforcement Encounters - Distribution of Flunitrazepam

In recent years there have been substantial increases in the trafficking of flunitrazepam in the United States. Changes in the distribution of flunitrazepam in the United States has been gathered from the extensive collection of drug submissions to Federal, state and local forensic laboratories. In the late 1980s and early 1990s there were infrequent encounters with flunitrazepam by Federal, State and local law enforcement agencies. These encounters tended to be at border towns in Texas, Arizona and less frequently, California. The movement north from Mexican border areas of flunitrazepam distribution began primarily in Texas in the early part of 1993. The latter half of 1993 and the year 1994 saw the spread of flunitrazepam northward into the central parts of Texas and eastward into Louisiana and Mississippi. During the latter half of 1994 and the first half of 1995, flunitrazepam distribution continued to spread to other parts of Texas and, from Texas into Oklahoma and Kansas. As of August 1995 virtually all of the forensic laboratories in Texas had received exhibits of flunitrazepam.

The latter half of 1994 and the first half of 1995 has been a period of limited northward expansion of flunitrazepam distribution into Arizona and California. Prior to that time, much of the distribution was centered in such border towns as Nogales, Arizona and Calexico, California. More recently there have been increasing encounters with flunitrazepam by law enforcement agencies in the Tucson area and other central regions of Arizona. In California, flunitrazepam distribution has moved from the border areas, such as Calexico, into San Diego and, to a lesser extent, Los Angeles.

Evidence of the geographical and temporal spread of flunitrazepam distribution in Florida has been collected by the DEA primarily using data on encounters with exhibits of flunitrazepam by the Florida state and local forensic laboratory system. The validity of such evidence obviously depends on the ability of individual laboratories to retrieve information on back cases; this ability, in turn, varies among laboratories. Nevertheless, based on information gathered from the Florida state and local laboratory system, the DEA has identified 538 state and local law enforcement cases involving flunitrazepam over the period of 1990 to approximately October, 1995. With respect to the geographical spread of flunitrazepam distribution, during the period of 1990 to 1993, flunitrazepam was

encountered almost exclusively in the southern part of Florida, namely the Dade County area. In 1994 the northward movement of flunitrazepam distribution became evident by its increased appearance particularly in Brevard County and into the Orlando area. Laboratories in some other areas reported only isolated instances of cases involving flunitrazepam. During the first ten months of 1995 this northward movement of flunitrazepam distribution has continued as evidenced by the increased number of submissions of flunitrazepam exhibits to forensic laboratories located in various parts of Florida, including further north (i.e. Daytona and Jacksonville) in the state. As of the Fall of 1995, all state and local forensic laboratories in Florida were able to report instances of Rohypnol encounters.

A temporal examination of the data gathered by DEA from state and local forensic laboratories in Florida reveal that over the period of 1990 to October 1995 there has been a large increase in the number of state and local law enforcement cases involving flunitrazepam. During the years of 1990, 1991, 1992 and 1993, the number of flunitrazepam cases were 1, 2, 11 and 38 respectively. In 1994 there was an approximate four fold increase (over 1993) in the number of Florida state and local law enforcement cases worked involving flunitrazepam (144 cases total). In the first 10 months of 1995, 342 cases involving flunitrazepam were identified (even though several laboratories had not reported since August of 1995). It is estimated that once each of the Florida state and local laboratories have reported their total number of flunitrazepam cases worked for the year 1995, the total number of all Florida state and local law enforcement cases concerning flunitrazepam will be in excess of 400, thus representing an approximate 3 fold increase over 1994.

Very recently, the DEA received data on all benzodiazepine submissions to the Florida Department of Law Enforcement Laboratory System during 1994 and 1995. This system has laboratories located in Daytona Beach, Fort Myers, Jacksonville, Orlando, Pensacola, Tallahassee and Tampa. In 1994, flunitrazepam was the third most frequently encountered benzodiazepine by the FDLE laboratory system. Only the benzodiazepines, diazepam and alprazolam, were more frequently detected in laboratory submissions. In 1995, flunitrazepam surpassed both diazepam and alprazolam to become the single most frequently encountered benzodiazepine in the FDLE laboratory system. It should be noted that there are 15 benzodiazepines approved for medical use in the United States and thus in Florida. It is of considerable significance that flunitrazepam, a drug that is not available for marketing in the United States, is more frequently encountered in laboratory submissions to the Florida FDLE lab system than any of the benzodiazepines that are marketed in the United States.

Over the past two years the DEA has gathered data which suggest a wider distribution of flunitrazepam in the United States. This data is primarily in the form of flunitrazepam exhibits analyzed in Federal, state and local forensic laboratories. As of January 21, 1996, a total of 2061 law enforcement cases have been identified in the United States. Approximately 816 of these cases have been from Texas. Another 562 cases were from

Florida. Other states with a significant number of cases include Louisiana, Mississippi, Oklahoma and Arizona. Smaller numbers of cases have been collected from Alabama, Arkansas, California, Connecticut, Georgia, Illinois, Indiana, Kansas, Maryland, Michigan, Minnesota, Missouri, Nevada, New Jersey, New Mexico, New York, North Carolina, Oregon, Rhode Island and Tennessee. Most recently, the DEA has become aware of a small number of encounters with Rohypnol by law enforcement agencies in Hawaii.

Flunitrazepam, almost exclusively under the trade name of Rohypnol sold by Roche Pharmaceuticals, is smuggled into the United States. An examination of United States Custom's records indicate that this smuggling is both via the mail system and in person at border crossings (with Mexico) and ports of entry (primarily airports). Over the period of 1990 to June 1995 there has been a major escalation in the number of Custom's seizures of Rohypnol. Examination of the seizure data indicates that the smuggled Rohypnol is potentially being distributed to a large number of locations in the United States. In U.S. Custom's cases involving mail order seizures of Rohypnol, violators have been found to reside in such states as Connecticut, Colorado, Florida, Hawaii, Massachusetts, New Jersey, New York, North Carolina and Texas. In U.S. Customs cases involving non-mail seizures of Rohypnol, violators have been found to live in such states as Alabama, Arkansas, Arizona, California, Florida, Georgia, Indiana, Kansas, Louisiana, Mississippi, New York, Ohio, Oklahoma, South Carolina, Tennessee, Texas and Virginia. The states receiving the largest amounts of Rohypnol are Florida, Texas and Louisiana.

An examination of both the United States Custom's seizure data and data gathered from the Ballistics Section of the DEA Special Testing Laboratory in McLean, Virginia, reveal that the Rohypnol smuggled into the United States comes from Mexico and a number of countries in South America. Roche Pharmaceuticals markets Rohypnol in Mexico and many South American countries some of which include Columbia, Brazil, Ecuador, Chile, Argentina and Peru. Columbia has been documented as an important source of Rohypnol distributed in Florida. Over the past 3 years, numerous mail packages coming from Columbia and containing anywhere from 100 up to 30,000 or more Rohypnol tablets, have been intercepted by Custom's and DEA officials in Florida. In a number of cases in which the seized tablets were submitted to the DEA Special Testing and Research Laboratory for ballistics examination, tablets were found to originate from either Columbia, Brazil, Mexico or Argentina. In several recent Custom's seizures, Rohypnol was being smuggled into the Miami, Florida area from such locations as Ecuador, Peru and Brazil. Mexico must also be considered a source, although probably as small source, of Rohypnol distributed in Florida. Mexico is a source country for Rohypnol encountered in Texas, Louisiana, Mississippi, Oklahoma and many other states.

Rohypnol from Mexico has also been brought into the United States by individuals who declare prescription drugs at the United States Custom's border crossings. In Nuevo Laredo, Mexico, doctors are known to hire street children to spot American citizens (almost always anglo-saxons) as they cross the bridge into Mexico, inquire as to whether they wish

to purchase prescription drugs and then direct the Americans to the doctor's office. At the doctor's office prescriptions are obtained for a small fee (i.e. \$10.00) usually from the office receptionist or the nurse, often without ever seeing the doctor or obtaining a valid medical examination or diagnosis. In Laredo, Texas, United States Custom's authorities allow individuals having a Mexican prescription to bring into the country up to a three month supply of Rohypnol intended for personal use only. This amounts to a maximum of 180 Rohypnol tablets. A recently completed DEA study revealed that during a three week period in July 1995, approximately 101,000 tablets of Rohypnol were declared and brought into the United States at the border crossing in Laredo, Texas. Over that three week period a total of 1678 delarations for prescription drugs were filed. Rohypnol was mentioned on 48 percent of these declarations. Rohypnol was second only to Valium (diazepam) as the most frequently declared drug. The study also showed that individuals were visiting the border crossing area from many different locations in Texas and from other states for the principal purpose of crossing the bridge into Mexico to purchase prescription medication (including Rohypnol) and then declaring the drugs at the Custom's post upon reentry into the United States. A total of 102 separate towns and cities in Texas were cited as places of residence by individuals declaring Rohypnol. Other states mentioned as places of residence by individuals declaring Rohypnol included Louisiana, Oklahoma, Mississippi, Georgia, Florida, Kansas, Alabama, Nebraska, North Carolina, Kentucky, Nevada, Ohio, Arizona and Massachusetts.

Flunitrazepam encountered by law enforcement agencies in the United States has been almost exclusively in the form of 2 mg Rohypnol tablets. Only very rarely has the 1 mg tablet been encountered. In some countries Rohypnol is also marketed as either a 0.5 mg tablet or as an injectable solution containing 2 mg flunitrazepam per milliliter of solution. These latter two formulations have not been encountered in the United States. All Rohypnol tablets are small, round and white. Seized tablets have been found to have three different types of markings. One type of tablet is single scored on one side and on the other side is imprinted with "Roche" and a "2" encircled. The second type of tablet is double scored on one side and on the other is imprinted with "Roche" and a "2" encircled. The third type of tablet is single scored on one side and on the other side has "PH" inside of a hexagon, below which is imprinted "2". Tablets are packaged in blister (bubble) packs, with each strip containing ten tablets. Labelling is usually in Spanish. A box of Rohypnol commonly sold in Mexico contains 30 tablets (three blister packs of 10 tablets each). Rohypnol exhibits are usually encountered by laboratories in the blister packs and less often as loose tablets. Flunitrazepam has only rarely been encountered in a powdered form. Although counterfeit Rohypnol tablets have supposedly been found in some countries (i.e. Egypt), no such tablets, to date, have been encountered in the United States.

An examination of law enforcement cases shows that flunitrazepam is distributed among a variety of different groups of people. These groups include middle school and high school students, college students, street gang members, alcoholics, heroin addicts and cocaine and marijuana abusers. In such states as Florida, Texas, Arizona and

California seizures by both school officials and law enforcement officials of Rohypnol from the grounds of middle schools and high schools have been documented. Information from law enforcement agencies indicated that Florida, Texas and California Rohypnol is distributed among street gang members. Law enforcement officers in Los Angeles have reported the use of Rohypnol by heroin addicts. In the United States Rohypnol tablets are usually sold individually for between \$2.50 to \$5.00.

Domestic Regulatory Control of Flunitrazepam

Flunitrazepam has never been approved by the Food and Drug Administration for medical use in the United States. In the late 1970s and early 1980s, Roche Pharmaceuticals did have an approval application pending with the FDA. However, Roche subsequently withdrew the approval application.

In 1984, flunitrazepam was placed into Schedule IV of the Federal Controlled Substances Act (CSA). This action was taken in order to meet the requirements of the 1971 Convention on Psychotropic Substances of which the United States is a party. At that time there was no evidence of actual abuse of flunitrazepam within the United States. It should be reiterated that flunitrazepam has never been approved for medical use in the United States. With the recent emergence of flunitrazepam trafficking and abuse in the United States, the appropriate regulatory schedule for flunitrazepam has come into question. Based upon these considerations as well as the fact that flunitrazepam is not available for medical use in the United States, the DEA is currently examining the possibility of placing flunitrazepam into Schedule I of the CSA. Currently, an important problem facing law enforcement agencies is the difficulty in prosecuting flunitrazepam cases due to the low schedule in which the drug is in, namely Schedule IV. Movement to a tougher schedule would significantly enhance law enforcement effects in conducting and successfully prosecuting flunitrazepam cases. In order to support possible future rescheduling actions, the DEA is currently collecting data on the abuse and trafficking of flunitrazepam in the United States.

Depending upon the state, flunitrazepam may or may not be controlled under state law. In the limited number of states that follow the federal control system, flunitrazepam is in schedule IV under state law. Louisiana recently placed flunitrazepam into Schedule IV of its State Controlled Substances list. On July 1, 1995 flunitrazepam was effectively placed into Schedule I under Oklahoma state law. Flunitrazepam is not currently controlled under California state law. One potential law enforcement problem is the fact that some states respect prescriptions written by Mexican doctors. For example, there have been instances in which law enforcement officers in Alabama have encountered individuals with Rohypnol obtained pursuant of a Mexican prescription. Upon seeing the prescription, the officers have declined to arrest the individuals or seize the Rohypnol. On the other hand, states such as Texas, Arizona and California do not recognize Mexican prescriptions.

International Abuse, Trafficking and Regulatory Control of Flunitrazepam

On a world-wide scale, within the class of drugs known as benzodiazepines, flunitrazepam is second only to diazepam in terms of the extent of its abuse and illicit trafficking. Abuse and/or trafficking of flunitrazepam has been documented in a variety of European countries some of which include Germany, England, Spain, Switzerland and France. For example, in May 1995 on the outskirts of London, England, 100,000 diverted Rohypnol 2 mg tablets were seized. In addition, abuse and/or trafficking of flunitrazepam has been reported in various Asian countries and in Australia. According to the recently issued 35th report of the Central Registry of Drug Abuse, in Hong Kong during 1994, flunitrazepam was the fourth most commonly abused substance after heroin, cannabis and cough medicine.

Much of the abuse of flunitrazepam outside the United States appears to be associated with opioid (i.e. heroin) and cocaine users. Limited published reports in the scientific and medical literature indicate that the primary reasons for abuse of flunitrazepam outside of the United States include potentiation of opioid effects, substitution of the opioid when it is difficult to obtain and self-medication of opioid withdrawal. Most abuse is via oral administration. Less commonly, tablets of flunitrazepam are crushed and either snorted or intravenously injected.

In 1984, flunitrazepam was placed into Schedule IV of the 1971 Convention on Psychotropic Substances along with a number of other benzodiazepines. Subsequent world wide reviews of flunitrazepam abuse and trafficking were conducted by the World Health Organization (WHO) in 1990 and 1994. At the 27th WHO expert committee meet held in 1990, it was recommended that flunitrazepam should be kept under surveillance to determine whether it merited being placed under critical review of possible rescheduling. In 1992, at the 28th WHO expert committee meeting on drug dependence, it was recommended that flunitrazepam be critically reviewed in 1994. This was based on the continued high level of reports of illicit activity concerning the drug. As a result, in September 1994, the 29th WHO Expert Committee on Drug Dependence in Geneva, Switzerland critically reviewed flunitrazepam and recommended that the drug be separated out from the other benzodiazepines and moved to a more restrictive schedule, namely from Schedule IV to Schedule III, of the 1971 Convention. The basis for this recommendation was the documentation of increased levels of abuse and trafficking of flunitrazepam in various countries, particularly relative to the other benzodiazepines. This recommendation by WHO was accepted by the Commission on Narcotic Drugs (CND) in March 1995. At that time the CND voted to move flunitrazepam from Schedule IV to Schedule III of the 1971 Convention on Psychotropic Substances. This measure became effective 180 days after the vote was taken.

Questions and Answers Concerning Flunitrazepam

Drug and Chemical Evaluation Section
Office of Diversion Control
Drug Enforcement Administration

What is flunitrazepam?

Flunitrazepam is a drug belonging to the drug class called benzodiazepines. Its primary pharmacological actions include sedation, hypnosis, muscle relaxation, anxiolytic effects and anticonvulsant effects.

What is Rohypnol?

Rohypnol is the trade name of a product containing flunitrazepam and marketed by Hoffman La Roche. It is formulated as 0.5, 1.0 and 2.0 mg tablets and as an injectable solution. Hoffman LaRoche claims that Rohypnol is marketed in 64 countries worldwide.

Are there other products that contain flunitrazepam?

There are a number of other trade name products containing flunitrazepam and marketed either by Hoffman La Roche or other drug companies. There are also generic preparations containing flunitrazepam. These various products are formulated as 0.5, 1.0 or 2.0 mg tablets and injectable solutions. Of particular interest is the fact that drug companies, other than Hoffman La Roche also make 2 mg tablet preparations of flunitrazepam.

What are the clinical uses of flunitrazepam?

Flunitrazepam is primarily used as a sedative/hypnotic in the clinical setting. It is indicated for short-term treatment of insomnia. Flunitrazepam is also used as a preanesthetic medication and as an adjunct to anesthesia.

Are there other drugs that are used clinically for the indications that flunitrazepam is used?

Yes.

Other benzodiazepines that are used primarily as sedative/hypnotics include brotizolam, doxefazepam, estazolam, flurazepam, loprazolam, lormetazepam,

midazolam, nimetazepam, nitrazepam, quazepam, temazepam and triazolam. Nimetazepam and quazepam are available in only a limited number of countries. The other benzodiazepines are marketed in numerous countries worldwide. They are all used for such indications as insomnia, preanesthetic medication and/or adjuncts in anesthesia.

In addition to benzodiazepines, there are other drugs including various barbiturates, non-barbiturate non-benzodiazepine sedatives/hypnotics and general anaesthetics that are used clinically for the same indications as flunitrazepam.

Are there any indications for which flunitrazepam is the only treatment drug available?

No. The DEA is not aware of any medical conditions for which flunitrazepam is the only treatment drug available.

Where is flunitrazepam marketed?

Flunitrazepam is marketed in various countries in Europe, Asia, South America and Central America. Hoffman-La Roche claims that Rohypnol is marketed in 64 countries worldwide. In a limited number of countries that have been examined by the DEA (e.g. Germany, France, Portugal, Italy, Great Britain, Netherlands, Spain, Mexico, Argentina, Chile, Japan, Hong Kong, New Zealand, Australia) Rohypnol has been found to be one of a number of benzodiazepine sedative/hypnotics available for medical use. Put another way, the DEA has not identified any countries in which flunitrazepam is the only benzodiazepine sedative/hypnotic available for medical use.

Is flunitrazepam available for medical use in the United States?

No! Flunitrazepam has never been approved by the Food and Drug Administration (FDA) for marketing and medical use in the United States. Flunitrazepam is not used for the treatment of any medical disorder, including insomnia in the United States. In the United States, doctors do not prescribe flunitrazepam, pharmacist do not dispense flunitrazepam and patients do not use flunitrazepam.

Benzodiazepines that have been approved for medical use in the United States include alprazolam, chlordiazepoxide, clonazepam, clorazepate, diazepam, estazolam, flurazepam, halazepam, lorazepam, midazolam, oxazepam, prazepam, quazepam, temazepam and triazolam. Of these drugs, estazolam (ProSom), flurazepam (Dalmane), midazolam (Versed), quazepam (Doral), temazepam (Restoril) and triazolam (Halcion) are benzodiazepine sedative/hypnotics that are specifically used for the short-term treatment of insomnia, as preanesthetic medication and/or adjuncts to anesthesia. Diazepam (Valium) and lorazepam (Ativan) are also used as preanesthetic medications in the United States.

That flunitrazepam is not marketed in the United States and some other countries such as Canada, further supports the fact that flunitrazepam is not a vital drug for the treatment of insomnia. In these countries there are other drugs available to effectively treat segments of the populations suffering from sleep disorders.

Is it possible to bring small quantities of Rohypnol or other preparations containing flunitrazepam into the United States providing that a valid medical prescription is obtained?

No. As of March 5, 1996 it became illegal to bring flunitrazepam containing products into the United States with or without a prescription. At that time United States Customs put into effect a policy of seizing all flunitrazepam products irregardless of whether a medical prescription for the medication was presented. This policy was put into effect because of the extensive abuse of Rohypnol in the United States and because there were other medications available in the United States to treat medical conditions for which flunitrazepam was used.

What are the origins of flunitrazepam distributed and abused in the United States?

Flunitrazepam found on the illicit market in the United States is believed to originate from two sources. The first involves the initial diversion of the pharmaceutical product from legitimate sources in other countries, with subsequent smuggling into the United States. The second source is believed to be clandestine laboratories that formulate powdered flunitrazepam into tablets.

Flunitrazepam is smuggled into the United States both via the mail and via individuals entering the United States at such places as airports and border crossings. Smuggling can best be illustrated by considering United States Customs' seizures of mail packages containing Rohypnol. In 1993, Customs seized various packages coming from Columbia and Mexico. In the following year, Customs seized packages coming from Columbia, Mexico and Panama. In 1995, Customs seized packages containing Rohypnol and mailed from Columbia, Ecuador, Peru, Mexico, Portugal, the Netherlands and Switzerland. In 1996, there was a further expansion of the number of countries from which packages of Rohypnol were sent to the United States. These countries included Columbia, Brazil, Costa Rica, Ecuador, France, Germany, Greece, Jamaica, Mexico, Netherlands, Panama, Peru, Sweden, Switzerland, Taiwan, Thailand and the United Kingdom.

Is flunitrazepam synthesized in clandestine laboratories?

The DEA is not aware of any instances in which flunitrazepam has been synthesized from precursor chemicals in clandestine laboratories. The synthesis of flunitrazepam appears to be beyond the capabilities of most street chemists.

The DEA is aware of the distribution in the United States of clandestinely made tablets containing flunitrazepam. Traffickers involved in these tableting operations most likely obtain already synthesized flunitrazepam in powdered form from unknown sources (e.g. possibly diversion from legitimate sources). Clandestine flunitrazepam tablets distributed in the United States have generally been found to be of poor quality and easily crumble but do contain approximately 2 mg of flunitrazepam. Clandestine tablets seized in the United States have imprinted on one side "R_H" and a "2" underneath. The tablet is scored on the other side. Clandestine flunitrazepam tablets have been encountered in Florida, South Carolina and Maryland.

What are the specific populations who abuse flunitrazepam in the United States?

Populations in the United States known to abuse flunitrazepam include middle and high school students, college students, street gang members, nightclub attendees, rave party attendees, heroin abusers, sedative/hypnotic abusers and cocaine abusers.

An additional, but much smaller population, use flunitrazepam to aid in committing sexual assault. The DEA is aware of sexual assault cases involving flunitrazepam in Florida, Texas, California and Virginia. Flunitrazepam use in these cases is indicated by one or more of the following factors: 1) the defendants confessed to the use of Rohypnol to commit the assaults; 2) flunitrazepam or one of its metabolites was found in the biological fluids of the assault victim; 3) empty Rohypnol bubble packing was found at the assault scene; or 4) Rohypnol tablets were found on the defendants at the time of arrest soon after the assault occurred.

Is the DEA aware of any deaths that have been associated with the use of flunitrazepam in the United States?

Yes. Seven deaths - six in Florida and one in Texas.

All of these deaths involved flunitrazepam taken with one or more drugs including alcohol, heroin, cocaine and marijuana. At least three of the deaths involved suicides in which individuals under the influence of Rohypnol and alcohol used firearms to kill themselves. It is not possible to attribute any of the deaths solely to the effects of flunitrazepam. It is, however, likely that flunitrazepam attributed to most, if not all, of the deaths.

How many law enforcement cases involving flunitrazepam has the DEA documented?

As of January 24, 1997 the DEA had documented 3,773 federal, state and local law enforcement cases involving flunitrazepam. Of this total, 136 were DEA, 407 were United States Customs' and 3,230 were state and local law enforcement cases.

In what states has the DEA documented federal, state or local law enforcement cases?

Alabama, Arizona, Arkansas, California, Connecticut, Florida, Georgia, Hawaii, Illinois, Indiana, Kansas, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Montana, Missouri, Nevada, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia and Washington.

With specific reference to state and local law enforcement cases, Texas (1,538 cases) and Florida (1,159 cases) have had the most cases involving flunitrazepam. Other states with significant numbers of state and local cases include Louisiana (193 cases), Arizona (97 cases), Oklahoma (86 cases), California (38 cases), Mississippi (31 cases) and Alabama (21 cases). The remaining states have 14 or less cases.

Why did the DEA place flunitrazepam in Schedule IV when it was known not to be marketed in the United States?

Flunitrazepam was originally scheduled under the federal Controlled Substances Act in order to meet the requirements of an international treaty and not because it was being abused or trafficked in the United States. In 1984, flunitrazepam was placed into Schedule IV under the 1971 Convention on Psychotropic Substances. This Convention is an international drug control treaty to which the United States is a party. With the placement of flunitrazepam under the Psychotropic Convention, the United States was required to take domestic regulatory action to meet the requirements of the Psychotropic Convention. At that time there was in the United States no evidence of abuse or trafficking of flunitrazepam. The decision was made to place flunitrazepam in that schedule which simply satisfied the minimum regulatory requirement of the Psychotropic Convention. This schedule was determined to be Schedule IV.

Have any states placed flunitrazepam into Schedule I under state law?

Yes. Flunitrazepam is currently in Schedule I in Florida, Oklahoma, Idaho, Minnesota and Pennsylvania. In mid-November the New Mexico Board of Pharmacy elected to place flunitrazepam into Schedule I under New Mexico state law. The action has not yet become effective.

Are there any drugs currently in Schedule I of the federal Controlled Substances Act (CSA) that are marketed and used medically in other countries?

Yes. These substances include dextromoramide, ketobemidone, nicomorphine, pholcodine, heroin, piritramide, tilidine, normethadone, ethylamphetamine, fenethylamine and methaqualone. Even though these drugs are used medically in other countries, Congress placed them into Schedule I of the CSA. It should be noted that these drugs are not approved for medical use in the United States. Drugs are placed into schedule I of the CSA based on their lack of accepted use in the United States, and not on the basis of their accepted uses in other countries.

How does the number of law enforcement cases involving flunitrazepam compare

with the number of law enforcement cases concerning other Schedule I drugs?

One way to address this question is to examine the System to Retrieve Information from Drug Evidence (STRIDE) within the DEA. This is a database of drug exhibits submitted to DEA laboratories across the United States. First, it should be noted that in the Code of Federal Regulations there are listed 108 drugs that are currently in Schedule I of the Federal Controlled Substances Act. An examination of STRIDE over the years of 1995 and 1996 for all of these Schedule I drugs reveals that the number of law enforcement cases involving flunitrazepam exceeds those of over 100 of the Schedule I drugs in the CSA. For only a few drugs such as marijuana, heroin and LSD are there more cases than for flunitrazepam.

How does the amount of diversion and trafficking data that has been collected on flunitrazepam compare with the amount of diversion and trafficking data that was collected and available at the time that other Schedule I drugs (i.e. MDE, N-OH-MDA, Methcathione etc) were administratively scheduled?

The amount of diversion and trafficking data that has been collected on flunitrazepam far exceeds that which has previously been collected on other drugs to support the placement of those other drugs administratively into Schedule I. The DEA has collected over 3,770 law enforcement cases involving flunitrazepam. This far exceeds the number of cases (less than 400 cases) previously collected on other drugs and used to support the administrative placement of these drugs into Schedule I.

Would the placement of flunitrazepam into Schedule I of the federal Controlled Substances Act result in the automatic movement of all the other benzodiazepines from Schedule IV to Schedule I.

No. Absolutely not. The placement of flunitrazepam into Schedule I would not mean that all of the benzodiazepines would automatically be moved to Schedule I. Scheduling actions are generally done on individual drugs and not classes of drugs.

Would the placement of flunitrazepam (and thus Rohypnol) into Schedule I of the federal Controlled Substances Act (CSA) lead to the United Nations rescheduling flunitrazepam under the 1971 Convention on Psychotropic Substances?

No. First of all, flunitrazepam is available for medical use in selected countries; therefore, it would not be possible to move this drug into Schedule I of the 1971 Convention, a schedule reserved for drugs that have no medical use worldwide. Secondly, the actions of the United Nations concerning international drug scheduling are not now and have never been dictated by what the United States does domestically in terms of scheduling drugs. This is best illustrated by the point that drugs such as fenethylamine, aminorex, N-ethylamphetamine, methaqualone, mecloqualone, amobarbital, pentobarbital, glutethimide, benzphetamine, phendimetrazine and methyprylon are in selected schedules under the Controlled Substances Act that differ

from the schedules in which these drugs were placed under the 1971 Convention. In addition, several drugs including fenfluramine and ibogaine are scheduled in the United States but not under the 1971 Convention.

Would the placement of flunitrazepam into Schedule I of the federal Controlled Substances Act result in a population of patients who could not receive appropriate treatment?

No!

First of all, flunitrazepam is not prescribed by doctors and distributed for medical use in the United States. This means that there is no population of patients in the United States that receive flunitrazepam for legitimate treatment purposes.

Secondly, DEA is not aware of any evidence that the placement of flunitrazepam into Schedule I in the United States will impact adversely on the prescribing practices of the medical communities in other countries such as to prevent individuals who have sleep disorders from being appropriately treated with flunitrazepam or other medications.

Third, as already mentioned, there are no indications, including sleep disorders, for which flunitrazepam is the only available treatment. In the United States and in other countries there are drugs other than flunitrazepam that are available for the treatment of all the indications for which flunitrazepam is used. For example, there are many drugs available for travelers for the treatment of sleep disturbances resulting from time zone changes during international travel (i.e. jet lag). These drugs can be obtained by travelers either in their own country prior to leaving or in the United States, after they have arrived.

Would the placement of flunitrazepam into Schedule I of the federal Controlled Substances Act prevent the drug from eventually being developed and marketed in the United States?

No! There is nothing in the federal Controlled Substances Act that would prevent medical researchers or drug companies from conducting research and/or developing flunitrazepam for use in the United States. There would be the requirement that researchers obtain a DEA registration. To obtain such a registration, researchers would be required to submit a research protocol to the Food and Drug Administration (FDA). Once the FDA approved the research protocol, the DEA registration would be provided.

What is the "Drug-Induced Rape Prevention and Punishment Act of 1996"?

The Drug-Induced Rape Prevention and Punishment Act of 1996 is legislation that was signed into law on October 13, 1996. This act basically did three things. First, it made it a crime to distribute a controlled substance to an individual without that individual's knowledge and with the intent to commit a crime of violence (including rape) against that individual. Secondly, the Act provided for enhanced penalties for simple

possession and distribution of flunitrazepam. Third, it directed the DEA, in consultation with other agencies, to report to Congress within 180 days on the desirability and appropriateness of placing flunitrazepam into Schedule I of the Federal Controlled Substances Act.

HOUSE BILL NO. 69

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE VEZEY

Introduced: 1/15/97

Referred: Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to designating flunitrazepam as a schedule IA controlled
2 substance; and providing for an effective date."

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

4 * Section 1. AS 11.71.140 is amended by adding a new subsection to read:

5 (e) Schedule IA includes, unless specifically excepted or unless listed in
6 another schedule, any material, compound, mixture, or preparation which contains any
7 quantity of the following substance, including its salts, isomers, and salts of isomers
8 whenever the existence of these salts, isomers, and salts of isomers is possible within
9 the specific chemical designation: flunitrazepam.

10 * Sec. 2. This Act takes effect immediately under AS 01.10.070(c).

FEMINIST NEWS

Feminist News -

➤ New York Governor Bans Use of Lie Detector Tests on Rape Victims; Government Bans Sedative Blamed for Date Rape ➤

On Tuesday, Gov. George Pataki of New York signed legislation prohibiting law-enforcement officials from subjecting rape victims to polygraph tests. A previous law merely barred authorities from requiring the use of such tests. "Survivors of sexual assault should not be victimized a second time with frequent and grossly insensitive requests to take a polygraph test," Pataki said. "This bill takes a long-overdue step forward in protecting the rights of sexual assault victims." Pataki also cited the fact that emotional responses of victims while being questioned about the crime can affect the test and give the false impression that they are lying.

Advocates for rape victims have maintained that victims can be discouraged from reporting the crime if there is the potential of being subjected to a lie detector test. According to Maud Easter, the executive director of the New York State Coalition Against Sexual Assault, "Polygraph tests have symbolized the climate in which victims do not come forward because they do not expect to be believed." Easter said passage of the bill was "one important step toward creating a new climate of respectful treatment for victims of sexual violence."

In a separate development, a sedative known as Rohypnol was banned for importation Tuesday, as the government called the pill a growing threat to teenagers and young adults. The drug, manufactured in 60 countries and used legally in 60 nations for insomnia, has often been associated with date rape. Women have reported being assaulted after their drinks were spiked with the drug which creates a drunk, sleepy feeling that peaks after two hours and lasts about eight. The drug had been gaining popularity in Florida and Texas, and is manufactured by the Swiss-based F. Hoffman La Roche & Co.

[Source: The New York Times - March 6, 1996; The Washington Post - March 6, 1996]

➤ Cases Involving Date Rape, Drug Increase ➤

In the last eight months, authorities in two Texas counties charged 32 people with illegal possession of Rohypnol, a powerful sedative that has been linked to several cases of rape. According to District Attorney Lynn Ellison, I plan to get our office to rethink the type of punishment we are seeking in these cases, now that we know these pills are used to victimize people."

Slipping Rohypnol into alcoholic beverages make the drug -- notorious in Texas and Florida -- 10 times more potent than Valium; it has been identified as an agent in sexual assaults against unsuspecting girls. Most of the people charged with possession of the drug were under 25 and were also charged with possession of Valium or another prescription drug.

[Source: The Nando Net and the San Francisco Examiner - March 11, 1996]

➤ Date Rape Drug Implicated in California Assault ➤

The powerful sedative Rohypnol is suspected to have been involved in the alleged sexual assault of a 15-year-old Palo Alto girl. The drug, not approved in for use the U.S., is 10 times more potent than Valium and causes intoxication and sleepiness lasting eight hours, after which, victims may have amnesia. Import of the drug was banned in March after it was blamed for several date rapes in Texas and Florida; several women were given the drug without their knowledge and were subsequently sexually assaulted. The 17-year-old boy arrested for the May 31 crime was already on probation for assault and battery.

[Source: The San Francisco Chronicle - June 11, 1996]

➤ Sexual Assault Victims Demand Reclassification of "Date Rape" Drug ➤

Two women who were raped under the influence of the sedative Rohypnol testified in a Florida court, asking Florida Attorney General Bob Butterworth to reclassify the drug to a category with heroin and LSD. Though possession of the substance, banned in the U.S., carries a possible 30-year state prison term in Florida, it remains in Schedule 4 classification along with Valium, a sedative 10 times weaker than Rohypnol. Butterworth has said he will try to reclassify the drug, and the Drug Enforcement Administration is also considering moving Rohypnol to Schedule 1 classification. Manufacturer Hoffman-La Roche is fighting attempts to reclassify Rohypnol.

[Source: The Nando Net and Associated Press - June 18, 1996]

➤ "Date Rape Pill" To Be Reclassified ➤

The Drug Enforcement Administration (DEA) plans to reclassify Rohypnol, the "date rape drug," within the next three months, ranking it in the same category as heroin and LSD. The DEA has found that Rohypnol, with its powerful hypnotic potential, qualifies as a Schedule 1 drug and hopes the reclassification will combat the recent increase in smuggling, trafficking, and possession. The reclassification will provide a minimum 10-year prison term for smugglers; prosecutors will be able to apply sales and possession sentences equal to those in cases of heroin and cocaine.

Rohypnol is currently in the same category as Valium, a sedative 10 times less potent. The drug has been implicated in rapes in 32 states, including Florida and Texas; men slip the drug into the drinks of unsuspecting women, often teenagers, who then become disillusioned or black out, and wake up having been raped. Rohypnol, which is not approved for use in the U.S., is manufactured by Swiss-based Hoffman-La Roche. On March 5, importation of Rohypnol was banned after increasing reports of rape induced by the drug. Gene Haislip of the DEA said reclassification of the drug and stiffer sentences were necessary to keep Rohypnol from becoming a "monster."

[Source: USA Today - June 20, 1996]

☛ California Men Get Away with Rape ☛

Authorities for Riverside County, California announced Wednesday that the district attorney's office will not press rape charges against three UCLA fraternity men who were accused last month of sexually assaulting a woman during a weekend party at a Palm Springs hotel. After the men insisted the woman, intoxicated at the time of the alleged assault, consented to sex, the woman said she would refuse to testify against the men. Dept. District Attorney said her case would be difficult to prove because of the use of alcohol and marijuana, and doubts about the woman's lack of consent likely persuaded her not to go through with the ordeal of a trial.

In an unrelated case of a 15-year-old girl who was raped while unconscious from the effects of the sedative Rohypnol, the 17-year old Palo Alto boy who admits to having unlawful sex with a minor will not be prosecuted for drugging the girl in the assault. Although the boy admits to sex, which the girl did not remember having until days after the incident, Sheriff's deputies in San Mateo county maintain they do not have enough evidence to show that the boy sexually assaulted her. Rohypnol, nicknamed the date-rape pill, typically causes extreme sedation and memory loss. For more articles on this subject, see feminist news: [June 20](#), [June 11](#), and [March 12](#).

In the Bay Area, California gang-rape of a 12-year old girl, six teenagers are now in custody. Three boys were booked into the Youth Guidance Center on Tuesday (7-9) after having been brought in by their parents who have aided police in the investigation. On her way home from visiting a friend at 9 p.m. on July 5, the girl was abducted by a group of young men, taken to an apartment, stripped, struck, and sexually abused for three hours.

[Source: The Los Angeles Times - July 11, 1996; The San Francisco Chronicle - July 12, 1996; The San Francisco Chronicle - July 11, 1996]

☛ Senate Holds Hearing on Rohypnol, the "Date Rape Pill" ☛

The Senate Subcommittee on Western Hemisphere and Peace Corps Affairs held a hearing Tuesday (7-16) on tougher penalties for possession of Rohypnol, a powerful sedative which has been implicated in a number of date rapes across the country. Several victims testified about how their lives were affected by the assaults against them made under the influence of the drug that men slipped into their drinks. One woman said the drug had destroyed her life and called it "the perfect crime in a pill." If passed, the legislation would make it a federal crime to possess Rohypnol and would mandate longer prison sentences and higher fines for anyone using it to drug someone for the purpose of committing a violent crime.

Although the drug has been banned in the U.S. since March, the fact that it is sold legally in 64 countries as a sleeping pill has made obtaining the drug fairly easy and inexpensive, especially in Texas and Florida. The U.S. Drug Enforcement Administration is hoping to classify Rohypnol as schedule I, in the same category as heroin and LSD, in order to increase the penalties for trafficking, smuggling, and misusing the drug. After studying the medical effects of the drug, the U.S. Health and Human Services Department could decide to reclassify it within the next few months.

[Source: The Los Angeles Times - July 17, 1996; The Nando Net and Cox News Service - July 16, 1996]

☛ Teen Woman Killed By Date-Rape Drug ☛

Police in LaPorte, Texas say an autopsy reveals that 17-year-old Hillory Farias was killed by the illegal drug gamma y-hydroxybutrate, and officials have ruled the death a homicide. Found unconscious the morning of August 4th with no traces of other drugs or alcohol in her body, officials have concluded that someone slipped the tasteless, odorless drug into the varsity volleyball player's soft drink when she was out with friends the previous evening. The drug can cause dizziness, drowsiness and memory loss and has been used by men to target women for sexual assault. Because a similar drug, Rohypnol (flunitrazepam), has been implicated in so many sexual assaults across the country, Hoffman LaRoche, manufacturer of Rohypnol, is now offering testing kits free of charge in an advertisement in September's *Police Chief* magazine. Emergency rooms and rape crisis center may consider using the testing kit. Depending on dosage, Rohypnol remains in urine for 60-72 hours. For information on the testing kits call 1-800-608-6540, and for more information on the drug, visit the [Drug Enforcement Agency \(DEA\) site](#). See [Related Feminist News Stories on Date Rape Drugs](#)

[Source: The Los Angeles Times - September 11, 1996; USA Today - September 11, 1996]

☛ House Votes to Criminalize Use of Date-Rape Drug ☛

The House overwhelmingly passed a bill Thursday (9-26) that would make it a crime to possess the sedative Rohypnol and similar drugs with the intent to commit a violent crime, including a sexual assault. The penalty for such usage would go up to 15 years in prison or 20 years in prison if the victim age 14 or younger. Rohypnol has been termed the "date-rape drug" because it has been implicated in a number of sexual assaults across the country. The tasteless, odorless drug is easily slipped into the drinks of unsuspecting young women who then become dizzy and sleepy and often black out, making them easy targets for sexual predation of males.

[Source: CNN and the Associated Press - September 27, 1996]

☛ Girl Dies from Date-Rape Drug; Senate Sends President Drug Bill ☛

Police announced Thursday that they have determined an overdose of Rohypnol killed a 15-year-old Texas woman who was raped by the five men who gave her the drug during an assault in September. Found dead the morning after the attack, Thelma Rascon is the second woman in Texas to be killed by a date-rape drug in less than a month. The Senate passed and sent to President Clinton a bill to increase penalties for the use of any controlled substance in conjunction with a felony. Introduced by Sen. Orrin Hatch (R-Utah), the bill seeks to stem the rise in drug-induced sexual assaults. Though outlawed in the U.S., Rohypnol, a sedative 10 times stronger than Valium, is cheap and easy to obtain, and has been implicated in a number of date rapes across the country. The tasteless, odorless drug is easily slipped into the drinks of unsuspecting young women who often become unconscious and black out before their assailants attack them.

[Source: The Los Angeles Times - October 4, 1996; Reuters - October 4, 1996]

✦ Clinton Outlaws Date Rape Drug ✦

On Sunday (10-13), President Clinton signed a bill outlawing Rohypnol and other drugs used by rapists to disorient women and make them black out. The bill marks the first time using a drug as a weapon has been made illegal, subjecting rapists to an additional 20 years in prison for using a narcotic to incapacitate a victim. The law also calls for tougher penalties for trafficking of the drug making its penalties comparable to those involving the manufacture, distribution, import and export of heroin and cocaine. Anyone in possession of more than one gram of the drug can be sentenced up to 20 years in prison fines up to \$1 million. In signing the Drug-Induced Rape Prevention and Punishment Act of 1996, Clinton said, "Today I sign legislation to crack down on criminals who employ illegal drugs in a sick attempt to facilitate their violent crime."

Rohypnol, a sedative 10 times more potent than Valium is tasteless, colorless, and odorless, and has been implicated in date rapes of women and girls across the country, many of whom had the drug slipped into their drinks and subsequently blacked out. The drug is not sold in the U.S. but has been relatively easy and inexpensive to obtain.

[Source: Reuters - October 13, 1996; USA Today - October 13, 1996]

✦ LA County Approves New Procedures for Date Rape Drug Probes ✦

All people treated for rape in Los Angeles County will now also be given urine tests to determine if the "Date Rape Drug" was used in the assault. The new procedure of collecting urine samples follows widespread use of drugs such as Rohypnol and gamma hydroxybutyrate which generally causes victims to become dizzy and black out. The tasteless and odorless drug is often slipped into victim's drinks. Often, rape victims who unknowingly consumed the drug cannot recall the assault. If other substances are found in the urine, the victims will not be prosecuted for other drug use. The LAPD and Sheriff's department are also training staff to deal with evidence gathering in drug related rape cases.

[Source: LA Times - October 12, 1996]

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FLUNITRAZEPAM

(Rohypnol)

"roofies"

Introduction

Recent seizures and anecdotal reporting indicate that distribution and abuse of flunitrazepam are increasing domestically, especially in southern and southwestern States. Of particular concern is the drug's low cost, usually below \$5 per tablet, and its growing popularity among young people. Flunitrazepam is a benzodiazepine that is used in the short-term treatment of insomnia and as a sedative hypnotic and preanesthetic medication. It has physiological effects similar to diazepam (commonly known by its trade name, Valium®), although flunitrazepam is approximately 10 times more potent. Flunitrazepam neither is manufactured nor sold licitly in the United States. It is produced and sold legally by prescription in Europe and Latin America. The drug usually is smuggled into and transported within the United States through the mail or delivery services.

Manufacture and Distribution

Flunitrazepam—marketed under the trade name Rohypnol—is manufactured worldwide, particularly in Europe and Latin America, in 1- and 2-milligram tablets by Hoffman-La Roche, Inc., a large pharmaceutical manufacturer. However, the drug neither is manufactured nor approved for medical use in the United States.



Though typically white in color, flunitrazepam pills recently seized in Egypt were of a brownish-pink tint, indicating a counterfeit product.

Flunitrazepam has been encountered by U.S. law enforcement agencies in Southern States from California to Florida. Authorities in Texas and Florida have observed the most significant activity involving flunitrazepam. Distributors in Texas reportedly travel to Mexico to obtain the drug. In South Florida, the drug is delivered primarily from Colombia via international mail services or commercial airlines. Overnight mail appears to be the preferred method of importation. Several packages seized in Miami over the past 2 years were shipped from Cali, Colombia, and contained up to 11,000 dosage units each.

The most recent and largest seizures of flunitrazepam occurred in February 1995. On February 13, over 52,000 tablets, packaged loosely in plastic bags and located inside a car door, were seized by the State Police in Louisiana. On February 14, the U.S. Border Patrol in McAllen, Texas, seized over 57,000 tablets of Rohypnol, packaged in bubble packs, along with 53 pounds of marijuana. The drugs were obtained in Mexico and destined for Florida. Since 1990, over 1,000 Federal, State, and

local investigations have been initiated regarding flunitrazepam. The DEA is pursuing over 70 investigations involving distribution of flunitrazepam. In many investigations, flunitrazepam was seized along with other illegal substances, including cocaine and marijuana.

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

POUCH Y, STATE CAPITOL
JUNEAU, ALASKA 99811
465-3800

INTER-AGENCY ROUTING SLIP

TO Representative VEZEY

REMARKS: Here ^{is} ~~is~~ the Polypnol materials
you requested.

FROM JERRY LUCKHAUPT

DATE 1/13/47

LAA 25

New drug unfamiliar to law enforcement

• Drug used to enhance effects of drinking

By Jennifer Gurecki
The Lumberjack

The "Quaalude of the 90s" may be working its way west.

Rohypnol, also known as Roachies, La Roche, Rope, Rib, Roche, Rophies, Roofies, and Ruffies, is the brand name of a sleeping pill marketed by Roche Pharmaceuticals, Inc. in Mexico, South America, Europe and Asia.

Large-scale smuggling of the drug seems to have originated in Miami, Fla., but has now moved into Texas, said Greg Hayner, chief pharmacist at Haight Ashbury Free Clinics, Inc. in San Francisco.

Although Rohypnol is readily available in Mexico, community relations officers Sgt. Connell from Flagstaff Police Department and Lt. Davenport from NAU Police Department said they were not familiar with the drug.

In addition, the Drug Enforcement Agency appears not to have yet been exposed to this drug.

Rohypnol is in the same family as the drug Valium, Hayner said.

He said the pill is also very similar to the sleeping pill in America called Dalmane. This pill is a white, circular tablet with the word Roche II written on it.

Rohypnol is primarily abused by people in their late teens to early twenties. If combined with alcohol, the pill increases the "drunk" feeling, many times leading to blackouts and amnesia, Hayner said.

He said he has heard of many incidents originating in Florida where a man will slip the drug into a woman's drink in order to take sexual advantage of her.

"Women are waking up in bed, laying next to someone they don't remember," he said.

In Texas, Hayner said, many college students are taking Rohypnol to enhance the high they get from drinking.

Rohypnol also impairs judgment and motor skills.

Hayner said the combination of Rohypnol and alcohol presents a strong potential for overdose death.

He said the drug dissolves better in alcohol than in stomach fluid, therefore getting into the system very quickly.

Because the drug is very potent, a person may stop breathing because of the depressant effects it has on the neurosystem.

Two possible side effects from the drug are death and addiction, he said.

If death does not occur, addiction most likely will, Hayner said.

. If a person tries to end the addiction, horrific symptoms are probable. He said these symptoms include insomnia, months of numbness in certain parts of the body, panic attacks and the jitters.

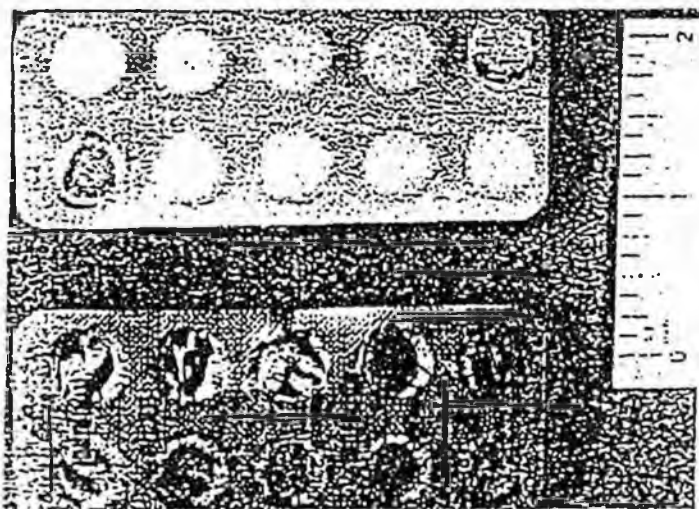
"The problem isn't with the drug. It is that it is very potent and people don't know what they're dealing with," Hayner said.

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Fact Sheet on Rohypnol

The information on Rohypnol is provided by the National Institute on Drug Abuse from the Epidemiologic Trends in Drug Abuse-Advance Report by the Community Epidemiology Work Group, June 1995

Rohypnol, generically Flunitrazepam, is a benzodiazepine prescribed as a sleeping pill. It is the most widely prescribed sedative/hypnotic in Europe but is not licensed for sale in the US. Produced by Hoffmann-LaRoche in Mexico and other countries, it is also marketed in Central and South America and Asia. It is sold in bubble packs of 1- or 2-mg doses. Generic and illegally manufactured versions exist as



Rohypnol contains the controlled ingredient flunitrazepam (Roche-Bonade). Pictured here are 2-mg tablets with packaging. "Rophies," as they are known on the street, are sold inexpensively in Mexico. They are smuggled into the United States where they have recently become a problem among American teens. The problem is rapidly spreading from the American southwest to other parts of the United States. Source: DEA

well, although the branded product seems to be preferred among illicit users.

The illicit use of flunitrazepam is characterized by its use with other drugs, although it may be used alone. It enhances the high produced by low-quality heroin and has been so used in Asia since the early 1980s. It mellows the high of cocaine and eases a user down from a crack or cocaine binge. In the US, it appears to be used most frequently in conjunction with alcohol, with which it seems to have a synergistic effect, producing disinhibition and amnesia. Because its presence is not detected by routine benzodiazepine screens, it can be used to avoid drunk driving charges. (In Florida, a new law allows screening for flunitrazepam if a driver seems impaired but has a low blood alcohol level.)

Abuse of flunitrazepam has been reported on every inhabited continent. The abuse of flunitrazepam in the US was first reported from south Florida at the

June 1993 CEWG meeting. Since then, its use has spread through Texas from the Texas-Mexico border region and into other States as well. The Drug Enforcement Administration reports significant numbers of cases involving flunitrazepam primarily from the South and West. However, cases are pending in other States, including New York and California, as well. Because the drug is not legal in the US, its use tends not to be recognized until it is actively investigated.

Flunitrazepam use appears to be spreading in the US among high school and college youth. In some areas, it is associated with gangs, and it is becoming known as a club drug. Street names include rophies, roofies, ruffies, R2, roofenol, Roche, roachies, la rocha, rope, and rib.

Lethal overdose is unlikely; however, continued use will result in physical dependence. Withdrawal symptoms range from headache, muscle pain, and confusion to hallucinations and convulsions. Seizures may occur a week or more after cessation of use. Thus, medically supervised detoxification using diminishing doses of other benzodiazepines is essential.



FLUNITRAZEPAM

(Rohypnol)

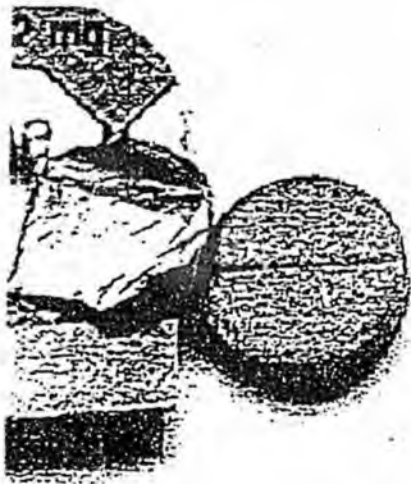
"roofies"

Introduction

Recent seizures and anecdotal reporting indicate that distribution and abuse of flunitrazepam are increasing domestically, especially in southern and southwestern States. Of particular concern is the drug's low cost, usually below \$5 per tablet, and its growing popularity among young people. Flunitrazepam is a benzodiazepine that is used in the short-term treatment of insomnia and as a sedative hypnotic and preanesthetic medication. It has physiological effects similar to diazepam (commonly known by its trade name, Valium®), although flunitrazepam is approximately 10 times more potent. Flunitrazepam neither is manufactured nor sold licitly in the United States. It is produced and sold legally by prescription in Europe and Latin America. The drug usually is smuggled into and transported within the United States through the mail or delivery services.

Manufacture and Distribution

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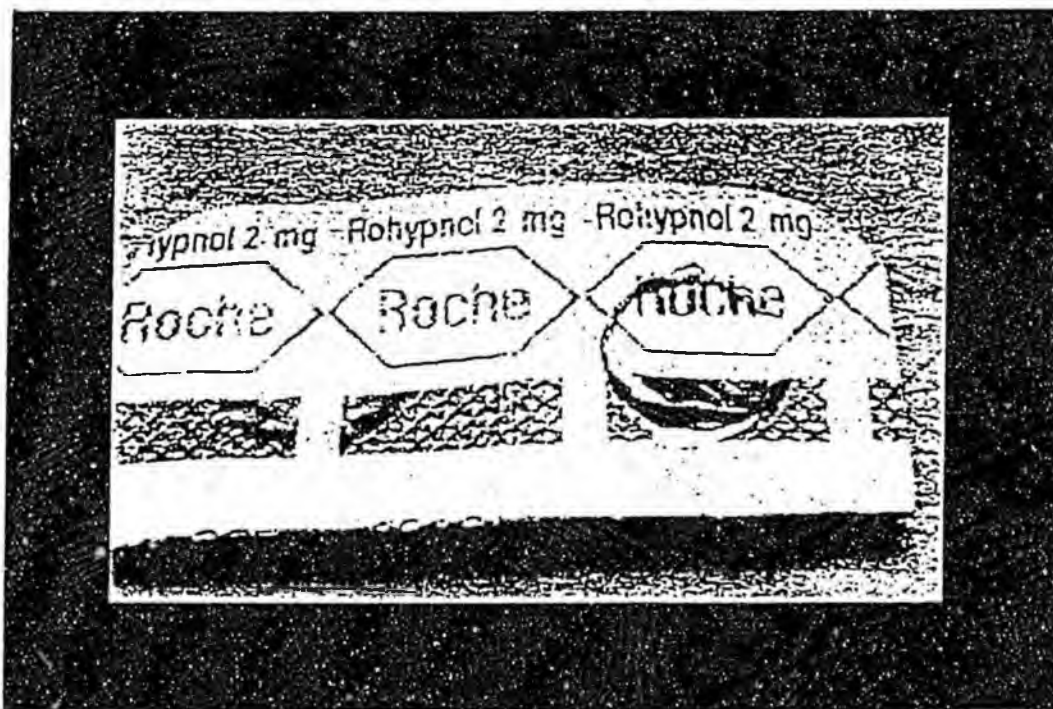


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Flunitrazepam has been encountered by U.S. law enforcement agencies in Southern States from California to Florida. Authorities in Texas and Florida have observed the most significant activity involving flunitrazepam. Distributors in Texas reportedly travel to Mexico to obtain the drug. In South Florida, the drug is delivered primarily from Colombia via international mail services or commercial airlines. Overnight mail appears to be the preferred method of importation. Several packages seized in Miami over the past 2 years were shipped from Cali, Colombia, and contained up to 11,000 dosage units each.

The most recent and largest seizures of flunitrazepam occurred in February 1995. On February 13, over 52,000 tablets, packaged loosely in plastic bags and located inside a car door, were seized by the State Police in Louisiana. On February 14, the U.S. Border Patrol in McAllen, Texas, seized over 57,000 tablets of Rohypnol, packaged in bubble packs, along with 53 pounds of marijuana. The drugs were obtained in Mexico and destined for Florida. Since 1990, over 1,000 Federal, State, and

local investigations have been initiated regarding flunitrazepam. The DEA is pursuing over 70 investigations involving distribution of flunitrazepam. In many investigations, flunitrazepam was seized along with other illegal substances, including cocaine and marijuana.



Use and Effects

Flunitrazepam is ingested orally, frequently in conjunction with alcohol or other drugs, including heroin. The drug's effects begin within 30 minutes, peak within 2 hours, and may persist for up to 8 hours or more, depending upon the dosage. Adverse effects associated with the use of flunitrazepam include decreased blood pressure, memory impairment, drowsiness,

visual disturbances, dizziness, confusion, gastrointestinal disturbances, and urinary retention.

Paradoxically, although the drug is classified as a depressant, flunitrazepam can induce excitability or aggressive behavior in some users.

Flunitrazepam use causes dependence in humans. Once dependence has developed, abstinence induces withdrawal symptoms, including headache, muscle pain, extreme anxiety, tension, restlessness, confusion,

and irritability. Numbness, tingling of the extremities, loss of identity, hallucinations, delirium, convulsions, shock, and cardiovascular collapse also may occur. Withdrawal seizures can occur a week or more after cessation of use. As with other benzodiazepines, treatment for flunitrazepam dependence must be gradual, with use tapering off.

Flunitrazepam is touted as an effective "parachute" or remedy for the depression that follows a stimulant high. Reports indicate that flunitrazepam is used by drug addicts in Spain and Malaysia to allay withdrawal symptoms and to gain a state of oblivion. Abuse of the drug in Western Europe and the Caribbean has been reported over the last 10 years. In Germany, Roche recently removed the 2-milligram dosage from retail distribution—restricting it to hospital use only—due to the increasing abuse of flunitrazepam in that country.

In the United States, flunitrazepam is used widely in Texas where it is popular among high school students. Flunitrazepam is reported to be readily available in the Miami area, and epidemiologists from that area have stated that it is South Florida's fastest growing drug problem. Additional reports from Miami indicate that the largest and fastest growing group of flunitrazepam users are high school students who take the drug with alcohol or use it after cocaine ingestion. Two common misperceptions about flunitrazepam may explain the drug's popularity among young people: first, many erroneously believe that the drug is unadulterated—and therefore "safe"—because it comes in presealed bubble packs; second, many mistakenly think its use cannot be detected by urinalysis testing.

Flunitrazepam is sold under the trade name Rohypnol, from which the street name "Rophy" is derived. In South Florida, street names include "circles," "Mexican valium," "rib," "roach-2," "roofies," "roopies," "rope," "ropies," and "ruffies." Being under the influence of the drug is referred to as being "roached out." In Texas, flunitrazepam is called "R-2," or "roaches."



Rohypnol tablets are white and are single- or cross-scored on one side with "ROCHE" and "1" or "2" encircled on the other.

Scheduling

In 1983, flunitrazepam was placed into Schedule IV of the 1971 United Nations Convention on Psychotropic Substances. To comply with the convention, the United States placed flunitrazepam in Schedule IV of the Controlled Substances Act of 1970 (CSA), despite little evidence of its abuse. In March 1995, flunitrazepam was moved to Schedule III by the World Health Organization, requiring more thorough record keeping on its licit distribution—the first benzodiazepine to require more rigid controls. However, due to recent increases in seizures and abuse of this drug, DEA currently is reviewing the possibility of placing flunitrazepam into Schedule I of the CSA. A Schedule I

drug is considered to have a high potential for abuse, to have no currently accepted medical use in treatment, and to lack accepted levels of safety for use under medical supervision.

Outlook

The distribution and abuse of flunitrazepam, in all likelihood, will continue to increase within certain segments of society in the United States, particularly among abusers of other illicit drugs and high school students who mistakenly believe that the drug is harmless. Of greatest concern to drug law enforcement authorities is the involvement of cocaine and marijuana traffickers in the distribution of flunitrazepam.

Polydrug traffickers increasingly are smuggling the drug into the country and distributing it through their established illicit channels. The DEA will continue to monitor this emerging threat and to work to reduce the availability of flunitrazepam in the United States.

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EMERGENCYNET NEWS

FOR IMMEDIATE RELEASE: 15:00CST-01/06/96

'Roofies', The New "Date Rape" Drug of Choice

By Clark Staten, ERRI Executive Director

Chicago, IL., January 6, 1995 (ENN) --Like the Quaaludes of the 60's and 70's, there is a new "love drug" being abused in several parts of the country. The drug is Rohypnol, or "Roofies" as it being is called on the street. It is also called "ruffies", "roche", "R-2", "rib" and "rope" and reportedly is quickly becoming the "date rape drug of choice."

Rohypnol is a brand name for flunitrazepam (a benzodiazepine), a very potent tranquilizer similar in nature to valium (diazepam), but many times stronger. The drug produces a sedative effect, amnesia, muscle relaxation, and a slowing of psychomotor responses. Sedation occurs 20-30 minutes after administration and lasts for several hours. The drug is often distributed on the street in it's original "bubble packaging" which adds an air of legitimacy and makes it appear to be legal. The drug is not commonly used by physicians in the United States and is not even listed in the commonly used Physician's Desk Reference.

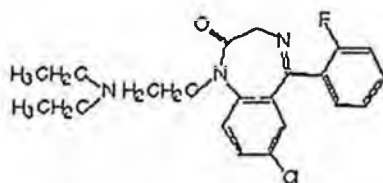
Illicit use of Rohypnol was originally reported in Europe in the late 1970's and world-wide use of it has continually increased since then. According to police sources in both Florida and Texas, "roofies" were first seen in the United States in the early 1990's; they quickly gained acceptance and use by both high school and college students. According to the U.S. Drug Enforcement Administration (DEA) more than 1,000 cases of illegal Rohypnol possession have been reported recently, in thirteen states. Reports have also been received of it being popular in "gay bars" in selected locations on both the East and West coasts. In fact, Rohypnol is now being reported as being one of the "in" drugs on high school and college campuses and particularly in college fraternities. And to make matters worse, "Roofies" are inexpensive and reportedly being sold for as little as \$2.00-\$4.00 per tablet in several locations.

According to a University of Florida drug hotline, "Roofies" are often combined with alcohol, marijuana, or cocaine to produce a rapid and very dramatic "high". Even when used by itself, users can appear extremely intoxicated, with slurred speech, no coordination, swaying, and blood-shot eyes...with no odor of alcohol. The drug has been added to punch and other drinks at fraternity parties and college social gatherings, where it is reportedly given to female party participants in hopes of lowered inhibitions and facilitating potential sexual conquest. Police departments in several parts of the country say that after ingestion of "Roofies" that several young women have reported waking up in frat houses with no clothes on, finding themselves in unfamiliar surroundings with unfamiliar people, or having actually been sexually assaulted while under the influence of the drug.

As insidious, disgusting and perilous as this may sound, the dangers don't stop there. Besides the worries of unprotected sex, Rohypnol, particularly when mixed with alcohol or other drugs may lead to respiratory depression, aspiration, and even death. When taken repeatedly, it can lead to physical and psychic dependence, which is thought to increase with both dose and duration of use. An amnesia producing effect of "Roofies" may prevent users from remembering how or why they took the drug or even that they were given it by others. This makes investigation of sexually related or other offenses very difficult and may account for repeated reports of "date rapes" involving the use of the drug.

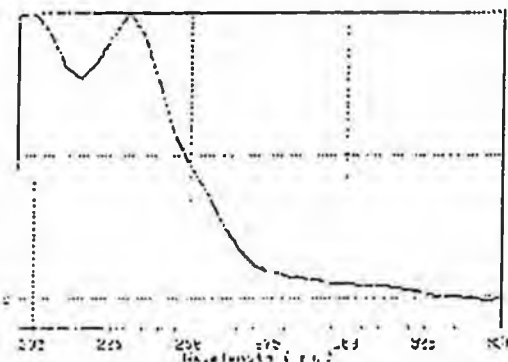
Both law enforcement and drug counseling services caution that the use of Rohypnol is increasing and that additional quantities of it are being imported across the Mexican border, where it can be obtained by

flurazepam



UV spectrum	Physical Properties	
Japanese version	Alphabetical Order	Drug Activity Classification
Drug Data Base	Research	Home

UV spectrum



- Retention time : 13.61 min
- Optimum wavelength : 230nm
- Sensitiveness : 11.84ng
- Absorbance / 100ng : 0.2206 ab°.sec

Apparatus and Analysis conditions

- Mobile phase : (10mM HClO₄ + 10mM NaClO₄:70%) + (CH₃CN30%)
- Flow-rate : 1.0mL/min.
- Column : FineSIL C18T (25cm x 4.0mm i.d.)
(monomericODS, particle size 5 x 10⁻⁶ m) (Shiseido).
- Wavelength : 210-350nm.
- Column temperature : 50c
- 880 PU LC pump (Jasco, Hachioji, Japan)
- System controller 801-SC
- Gradient device 880-02
- Detector MULTI-320
- Data processing system DP-L320/98(Jasco, Hachioji, Japan)
(Time Accumulation 0.8sec.)

Physical Properties

- Molecular Formula : C₂₁H₂₃ClFN₃O
- Molecular weight : 387.89
- log P : 4.45 (Calculated value)
- Ionization Constant pK_a : 1.9•G8.2

- Oral administration / 1 day : 10-30mg
- Drug Activity Classification : Hypnotic

References

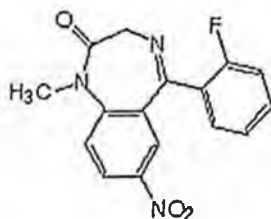
- COMPREHENSIVE MEDICAL CHEMISTRY
The Rationary Design, Mechanistic Study & Therapeutic Application of Chemical Compounds Volume 6 (PERGAMON PRESS)

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Most recent update: Mar/1/1996.

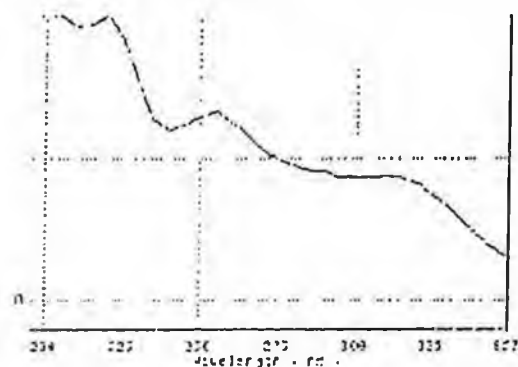
e-mail: w3master@chrom.tutms.tut.ac.jp

flunitrazepam



UV spectrum	Physical Properties	
Japanese version	Alphabetical Order	Drug Activity Classification
Drug Data Base	Research	Home

UV spectrum



- Retention time : 14.88min
- Optimum wavelength : 220nm
- Sensitiveness : 11.54ng
- Absorbance / 100ng : 0.2242 abs.sec

Apparatus and Analysis conditions

- Mobile phase : (10mM HClO₄ + 10mM NaClO₄:70%) + (CH₃CN30%)
- Flow-rate : 1.0mL/min.
- Columnn : FineSIL C18T (25cm x 4.0mm i.d.)
(monomericODS, particle size 5 x 10⁻⁶ m) (Shiseido).
- Wavelength : 210-350nm.
- Column temperature : 50c
- 880 PU LC pump (Jasco, Hachioji, Japan)
- System controller 801-SC
- Gradient device 880-02
- Detector MULTI-320
- Data processing system DP-L320/98(Jasco, Hachioji, Japan)
(Time Accumulation 0.8sec.)

Physical Properties

- Molecular Formula : C₁₆H₁₂FN₃O₃
- Molecular weight : 313.29
- Chemical name : 5-(o-fluorophenyl)-1,3-dihydro-1-methyl-7-nitro-2H-1,4-benzodiazepin-2-one
- properties : White, Light yellow crystalline powder. Non smell.
- melting point : 168-172c

- log P : 2.06 (Experimentally determined value) 2.35 (Calculated value)
- Ionization Constant pKa : 1.8
- Solubility
 - Chloroform , Glacial acetic acid : easily soluble
 - Methanol , Anhydrous ethanol : hardly soluble
 - Water , Hexane : almost insoluble

-
- Oral administration / 1day : 0.5-2mg
 - Drug Activity Classification : Hypnotic

References

- COMPREHENSIVE MEDICAL CHEMISTRY
The Rationary Design, Mechanistic Study & Therapeutic Application of Chemical Compounds Volume 6 (PERGAMON PRESS)

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Drug Data Base	Research	Home

Most recent update: Mar/1/1996.

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Harsher penalties for "rape drug" users

By Devin Wilson
Of the Observer Staff

Rapists who drug their victims to reduce their resistance to sexual assault could face up to 20 years in jail if a bill passed last week by the House of Representatives is signed into law.

The Drug-Induced Rape Prevention and Punishment Act, proposed by Gerald Solomon, toughens penalties for users and distributors of Rohypnol, a sleeping pill manufactured by Hoffman-LaRoche Inc. Rohypnol is banned in the United States, but is still manufactured in Mexico, South America, Europe and Asia.

People under the influence of Rohypnol are known to experience black-outs lasting up to 12 hours. When combined with alcohol, a person could be molested or raped without knowing who the attacker was or where and when the incident occurred.

Potential attackers dissolve the drug into a victim's drink when they aren't paying attention. Within an hour or two the victim is completely under Rohypnol's spell.

The DC Rape Crisis Center has had six reports of rape involving Rohypnol since the bill was introduced. The bill would help control the drug's use in rape cases, said Christine McClimens, a rape educator for the clinic.

McClimens provides sex-education seminars for kids in kindergarten through grade 12. She also talks to resident advisers in local college dorms and gives seminars to groups learning about rape and personal safety.

College students usually bring up Rohypnol because they are scared and aware of the "date-rape" drug situation, McClimens said. If they don't ask about the drug, she says, they are in trouble.



McClimens tells students to be aware of Rohypnol and its growing use on college campuses. She makes sure students know it dissolves without color, taste or odor in a drink, and to not accept drinks from strangers or leave a beverage and go back to it.

The effects of Rohypnol are said to be ten times stronger than Valium. Known on campus as "rope," "roofies," "circles" and "rib," the drug is popular among heroin and cocaine users because it enhances the effect of low-grade heroin, and calms the urge to binge use cocaine.

In the bill passed by the House, Rohypnol would remain a Schedule IV substance, but would carry a Schedule I penalty usually reserved for cases involving heroin.

A 20-year mandatory minimum sentence could be given to anyone who manufactures, distributes or dispenses Rohypnol. The bill also provides for a prison term of up to 15 years for anyone who gives a controlled substance to a victim to reduce the victim's resistance to sexual assault. In cases in which the victim is 14 or younger, the sentence could be up to 20 years.

The Drug Enforcement Agency is required by the bill to study whether Rohypnol should be reclassified as a Schedule I controlled substance. A Schedule I drug, such as cocaine or LSD, is considered to have a high potential for abuse, to have no accepted medical use, and to lack sufficient safety for use under medical supervision.

treatment and to lack accepted levels of safety for use under medical supervision for six months to prepare a report that will be presented to Congress.

The House bill was passed amid some controversy about what would be the best act controlling the rising abuse of Rohypnol. Some believe the drug should remain a controlled substance, with increased penalties for abuse and wrongful distribution. Hoffman-LaRoche doesn't want to see the drug reclassified.

Hoffman-LaRoche was proactive in its efforts to stop the growing abuse of Rohypnol in the United States, said Dr. Robert B. Armstrong, vice president of Medical Affairs at Hoffman-LaRoche Laboratories.

Hoffman-LaRoche has reduced its number of Rohypnol customers from 200 to 16 national distributors, and has eliminated all direct sales to pharmacies, Armstrong said before the Florida Senate Criminal Justice Committee in April.

According to the Drug Enforcement Agency, as of Jan. 21, 1996, 562 law enforcement agencies involving Rohypnol had been reported in Florida.

"We believe strongly that efforts to reschedule Rohypnol from schedule IV to an inappropriate schedule," Armstrong said. Though the drug can not be sold legally in the U.S., reclassifying the drug with harsher possession and distribution penalties could have a significant effect on sales of Rohypnol.

Attempts have been made to persuade LaRoche to make Rohypnol more detectable.

"That would be nice, but it's not really realistic. It would have to smell pretty strong, like a fluorescent light or something," McClimens said.

Some people involved in the Rohypnol debate said they believe the drug must be reclassified to give law enforcement agents and judges more power in controlling the growing use of the drug in planned rape and sexual assault.

Scott Ehlers of the Drug Policy Foundation, a non-profit organization that advocates the current war on drugs, said he believed the government is overly concerned about the drug. He said the recent legislative moves are part of a federal government panic about the drug. Ehlers said this is not a federal issue, it is a problem that should be handled by the states.

"It certainly doesn't require Schedule I penalties," he said. Ehlers also said the recent bill is "shady" and open to interpretation.

"I can see someone having Rohypnol for themselves, say at a club or party, and then using it for intent to use the drug in a sexual assault," he said. Ehlers said the drug is used in a sexual assault crime.

"Rape is rape, and I don't see why using Rohypnol should make a difference," he said.

Ehlers also said there may be situations where a woman takes the drug voluntarily in a dangerous situation. "Who is to blame there?," he asked.

[Return to front page](#)

This Fact Sheet Prepared by:

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David E. Smith, M.D. Donald R. Wesson, M.D. Sarah R. Calhoun, M.P.H.

ROHYPNOL (FLUNITRAZEPAM) FACT SHEET

Rohypnol is the brand name of a sleeping pill marketed in Mexico, South America, Europe and Asia by Roche Pharmaceuticals, Inc. It is not marketed in the United States. Rohypnol belongs to the family of medications called benzodiazepines which includes Valium (diazepam), Librium (chlorodiazepoxide) and Xanax (alprazolam). During the past few years, there has been increasing abuse of Rohypnol, initially reported in Florida and Texas, but now becoming more widespread. Much of the Rohypnol that is abused in the United States is obtained by prescription in Mexico and transported across the border. There is also some larger scale smuggling of Rohypnol from Columbia, primarily through Miami.

Rohypnol is an effective sleeping pill available in 1 and 2 mg tablets. The therapeutic dose varies from 0.5 mg to a maximum of 2 mg. The effects of flunitrazepam are fairly long-acting. With a 1 mg dose, blood levels of flunitrazepam peak 1-2 hours after ingestion, and fall to one-half their peak after 16 to 35 hours. A less potent metabolite of flunitrazepam lasts even longer.

Like other benzodiazepines, flunitrazepam taken alone is unlikely to produce death, even if an overdose is taken. Combining flunitrazepam with alcohol reduces the safety margin, however, and is more likely to be lethal due to enhanced central nervous system depression. Rohypnol intoxication is generally associated with impaired judgment and impaired motor skills, and the combination of alcohol and flunitrazepam is also particularly hazardous because together, their effects on memory and judgment are greater than the effects resulting from either taken alone. It is commonly reported that persons who become intoxicated on a combination of alcohol and flunitrazepam have "blackouts" lasting 8 to 24 hours following ingestion. Disinhibition is another widely reported effect of Rohypnol, when taken either alone or in combination with alcohol.

ABUSE PATTERNS

Rohypnol is known by various street names: Roachies, La Roche, Rope, Rib, Roche, Rophies, Roofies, Ruffies. In an unconfirmed report out of Australia, it was referred to as "Stupefi," and it has also been designated "the Quaalude of the '90s" in some media reports.

Several abuse patterns have evolved in the United States. Flunitrazepam is occasionally taken alone as a primary intoxicant. During the past five years there have been reports of Rohypnol abuse among schoolchildren as young as 8-10 years old, as well as in high schools and on college campuses. It has been used by heroin addicts as an enhancer for low-quality heroin, and in combination with cocaine to moderate the effects of a binge. In some areas it is associated with gang activity; in others, it is becoming known as a "club drug." The most common pattern

is episodic use by teenagers and young adults as an "alcohol extender" and disinhibitory agent, most often in combination with beer. There are some reports of snorting of Rohypnol, although this mode of ingestion has not been described in the United States. Addiction and withdrawal are growing concerns among treatment professionals and user populations.

PHYSICAL DEPENDENCE

Like other sedative-hypnotics, flunitrazepam can produce physical dependence, and abrupt cessation may cause signs and symptoms such as anxiety, insomnia, intense dreaming, parenthesis, increased sensitivity to light and sounds, and grand mal seizure. From the pharmacological profile of flunitrazepam, withdrawal intensity from flunitrazepam alone would be expected to peak three to five days after cessation of use. Since flunitrazepam is commonly taken in combination with alcohol, and since patients may be physically dependent on both alcohol and flunitrazepam, concurrent alcohol withdrawal may occur during the first two days of abstinence.

Patients who have been taking more than 6 mg/day of flunitrazepam for a month will have significant sedative-hypnotic tolerance and should be presumed to have a medically significant level of physical dependence on flunitrazepam. Patients who have also been using alcohol daily may be dually dependent. Patients who are physically dependent on either alcohol or flunitrazepam or both should not be abruptly withdrawn or withdrawn without medical supervision because unmanaged withdrawal signs and symptoms may be life-endangering.

Patients who are episodically using flunitrazepam, and who are abstinent from both flunitrazepam and alcohol for 3-5 days between use episodes, would not be expected to be physically dependent, but should be observed for signs of withdrawal and treated if they appear.

MANAGEMENT OF WITHDRAWAL

A patient who is physically dependent but taking only flunitrazepam could be withdrawn using Phenobarbital. Thirty milligrams of Phenobarbital can be substituted for each 1 mg of flunitrazepam the patient is taking each day. Thus, a person taking 6 mg/day of flunitrazepam would be administered 180 mg of Phenobarbital per day as the beginning withdrawal dose. The dose of Phenobarbital can be reduced at the rate of 30 mg/day.

If a patient is vomiting and cannot reliably absorb oral medication, Phenobarbital may be administered intramuscularly. Patients who combine alcohol and flunitrazepam may need additional medication for their alcohol withdrawal. After patients have received their initial Phenobarbital doses, a benzodiazepine, such as chlordiazepoxide or diazepam, can be administered as needed to alleviate emerging alcohol withdrawal signs and symptoms (e.g., rising pulse and blood pressure, tremulousness, diaphoresis) and prevent withdrawal seizures. If an intramuscular benzodiazepine is required for alcohol withdrawal, Ativan (lorazepam) should be used.

OVERDOSE

Following overdose with oral benzodiazepines, vomiting should be induced (within one hour) if the patient is conscious, or gastric lavage undertaken with the airway protected if the patient

is unconscious. Beyond one hour, activated charcoal should be given to reduce absorption. Respiratory and cardiovascular function should be monitored as they may evidence depression. Central nervous system depression may manifest in degrees ranging from drowsiness, mental confusion, lethargy, to coma and death. Flunitrazepam overdose alone is unlikely to be lethal, but in combination with alcohol, death is considerably more likely.

The specific benzodiazepine antagonist Romazicon (flumazenil; formerly known as Mazicon) can be used for reversing the severe effects of overdose. The recommended dosage is 3 to 5 mg administered at 0.5 mg/minute; however, for patients who are physically dependent or at high risk of withdrawal, a slower dosage schedule (0.2 mg/minute over 5-10 minutes) may be more appropriate if possible, with careful observation for withdrawal symptoms (confusion, agitation, emotional lability, perceptual distortion) or seizures. Romazicon reverses only benzodiazepine sedation, and if 3 to 5 mg have been administered with no clinical response, continued administration is unlikely to be effective. Resedation may be treated with repeated doses at 20 minute intervals, with a maximum of an additional 1 mg (at 0.2 mg/min at any one time, up to an additional 3 mg in any one hour.

If you suspect a problem with Rohypnol and/or other drug use, please contact the National Drug Information Treatment and Referral Hotline at (800) 662-HELP(4357). They can supply you with:

- printed materials
- treatment services in your state
- referrals for treatment
- alcohol treatment services
- adolescent and family services in your state

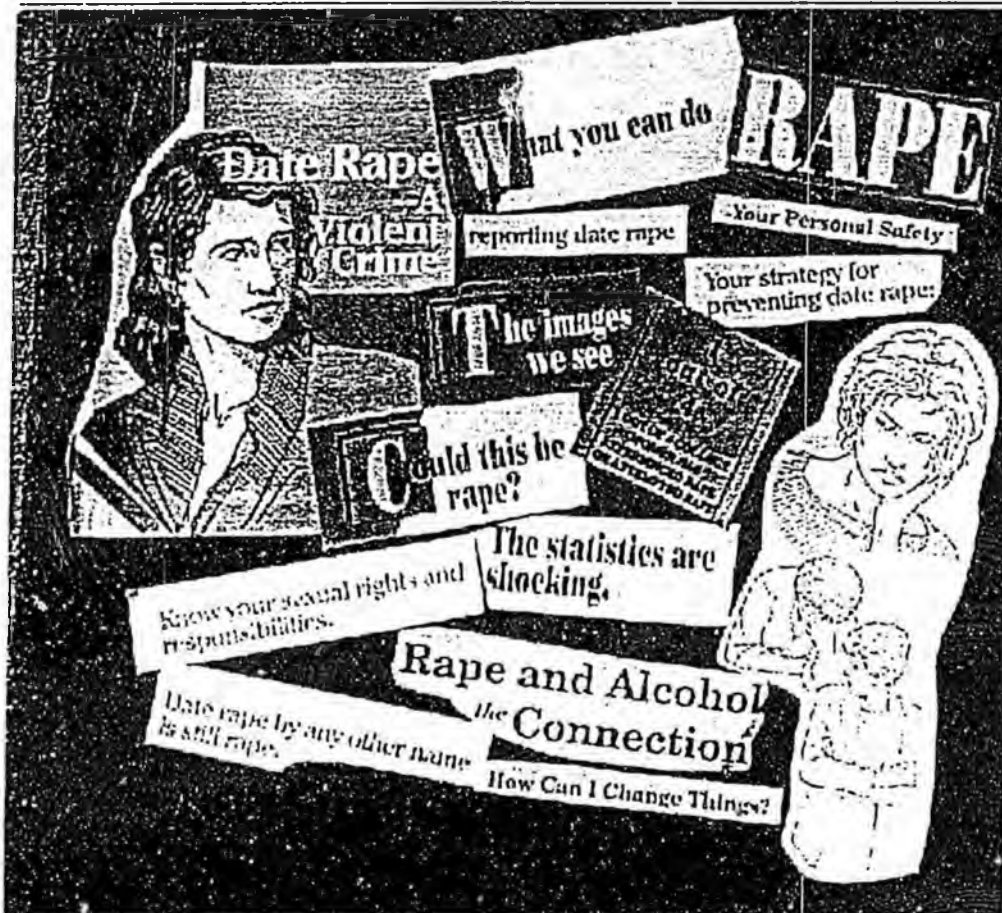


photo by Suzanne Goltz

Date Rape: Prevention and Prosecution

An Interview With Barbara Thomas of the Counseling Center Emphasizes Education

Emily Henrich

Foghorn Staff Writer

What is rape? After a dinner date, a couple returns to his place where he begins to take off her clothes. She pushes him back saying "no." Despite her protests, he pulls her firmly against him, saying "yes" and continues to undress her. They have intercourse. The couple has been going out for a while and has had sex before. Is this rape?

Acquaintance rape is when someone you know forces you to have sexual intercourse against your will. It does not matter if you are passed out, too drunk to refuse, or too scared to argue. Acquaintance rape and date rape are forms of sexual assault, a spectrum of unlawful behaviors.

It victimizes women and men, whether straight, gay, lesbian, or bisexual.

Rape is about power and anger. Often a man rapes a woman to overpower or to get back at her. A man sometimes justifies raping a woman by the way she dresses or acts. At times men get the idea that women want sex, according to the American College Health Association. Are these valid excuses? Shouldn't a woman have the right to wear whatever she wants and change her mind at any time?

Alcohol can also inhibit clear thinking and decision making. Many states recognize that when someone is drunk they are unable to give a true consent. It is never an excuse for raping someone, according to the American College Health Association.

Dr. Barbara J. Thomas, the director of the Counseling Center on campus gives some advice on reporting an incident and recommendations on prevention. The official policy is printed in the Fogcutter and there is an annual review of the policies.

According to Dr. Thomas, "If a student lives in the resident halls, the floor resident advisor will report to the hall director of any sexually offensive incidents. The accused party can be expelled from the residence halls and can also be banned from visiting the halls. If the victim is satisfied with this agreement, any action taken can stop here."

If the victim is not happy with this solution, a more serious investigation can continue. Student affairs and public safety can now become involved and may investigate aggressively.

USF Public Safety must report the incident to the San Francisco Police Department. The SFPD will close the file, unless the victim wants a follow-up investigation.

The victim also has several other people to go to for help, such as a priest or other clergy members, a counselor, an attorney, or Dr. Thomas.

According to the Fogcutter, there are three basic ways to resolve a sexual offense incident on campus.

First, there can be a disciplinary hearing. A committee made of students and faculty hear the case and make a decision based on what was said at the hearing. The committee is designed to see what the victim and accused can settle on, in terms of an agreement.

In some cases, nothing will happen. In other cases a satisfactory agreement is construed between the victim and her alleged rapist. For example, the offending party will pay for therapy of the victim, move out of the residence halls and sometimes expulsion is a measure taken. The committee is not there to find "guilt or innocence," just to mediate an agreement.

A second solution is to go to the outside courts. The victim can give the case to the district attorney's office. The case then becomes the case of the district attorney, and the legal responsibilities are no longer the victim's concern. The district attorney's office will collect evidence and determine whether or not there is a strong enough case to press charges against the accused.

If the victim does not want to go through the courts and does not like the idea of a formal

hearing on campus, she might agree to an informal mediation.

An informal mediation consists of both the victim, the accused and a neutral party (usually a counselor). The three sit down and try to come up with an agreement made by the victim and accused. Everything agreed upon on-campus is not legal; it is an agreement made by the two parties.

Dr. Thomas also recommends several things to do to prevent acquaintance or date rape. These recommendations are for men and women.

Thomas said to monitor your alcohol and drug intake.

Second, become good friends with men and women. Men can help other men watch their intake and also warn each other if they are becoming too aggressive.

Women need to watch and make sure that their friends taken are care of and to stay in a group. Don't leave a friend with someone who is drunk, or in a threatening situation.

Men and women also need to become friends so they learn how to learn from one another. Women need to learn how to talk openly about their sexual expectations and wishes. Men have to respect women's wishes and not set a separate agenda and to realize that rape is not just a "women's issue." Men and women should work together to communicate and to understand each other. The key to preventing date rape lies in education, not in blaming.

For more information visit the Counseling Center in lower level of Gillson Hall or call X6352.

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Alaska State Legislature

House of Representatives

Interim Address:
119 N. Cushman, Suite 211
Fairbanks, AK 99701
(907)-456-5081
Fax# (907)-456-8245



Session Address:
Room 13

State Capitol
Juneau, AK 99801-1182

Official Business

Representative Al Vezey

HB 69

CLASSIFYING FLUNITRAZEPAM AS A CONTROLLED SUBSTANCE

Flunitrazepam, trade name Rohypnol, is known by street names that include Roaches, Roches, Rocha, Rophies, Roofies, Ruffies, Ropes, and Rib. The drug induces deep sleep and causes amnesia. Illegal use of this drug is on the increase in the United States and its illegal use has been suspected in Alaska. Rohypnol is a drug that is not readily detectable in urine by using a standard urine test.

The most heinous illegal use of this drug is to slip it into the drink of a female as a prelude to rape. Typically the victim does not remember what happened for several hours after ingesting the drug.

Victims of drug induced rape can not identify their victims and conviction are difficult and rare. This bill would make the mere possession of this drug a serious crime in the same class as sexual assault in the first degree. HB 69 sends a clear message that we will not tolerate in our society those who would perpetrate sexual abuse.

Flunitrazepam is the generic name for a drug in the class of prescription medicines known as benzodiazepines. It is manufactured in Europe and Latin American by Hoffman-La Roche under the trade name Rohypnol.

ALASKA STATE LEGISLATURE
HOUSE BILL NO. 69

HISTORY IN THE HOUSE

1997
1/15 Read first time and referred to:
Jud FIN

2/7 SS intro: Jud FIN

2/13 Jud RPT CS() New Title
6 DP 0 DNP 1 NR 0 AM
FN 2 OFN Previous FN

2/25 FIN RPT CS() New Title
10 DP 0 DNP 0 NR 0 AM
FN OFN 2 Previous FN 0

RPT CS() New Title
DP DNP NR AM
FN OFN Previous FN

3/7 Read second time
CS() Adopted

Amended

3/7 Advanced

3/7 Read third time

Return to second for specific amendment

3/7 PASSED EFD Same or
Yeas 36 Yeas
Nays 0 Nays
Excused 2 Excused
Absent 2 Absent

Intent adopted

Reconsideration
Reconsideration not taken up

PASSED ON RECON. EFD Same or
Yeas Yeas
Nays Nays
Excused Excused
Absent Absent

Intent adopted

3/7 Reported correctly engrossed
Signed by Speaker, to the Senate
Suzi Lowrey
Chief Clerk of the House

HISTORY IN THE SENATE

1997
3/10 Read first time and referred to:
HESS, JUD
3/12 HESS waived to go

RPT() CS DP NR DNP AM
New Title Same Title Previous FN
FN OFN To

RPT() CS DP NR DNP AM
New Title Same Title Previous FN
FN OFN To

RPT() CS DP NR DNP AM
New Title Same Title Previous FN
FN OFN To

Rules Calendar() CS AM Other
New Title Same Title Previous
FN OFN

Read second time

CS Adopted () New Title
Amended Advanced

Read third time

Letter of Intent adopted
Return to second for specific amendment

PASSED EFD Same or
Yeas Yeas
Nays Nays
Excused Excused
Absent Absent

Reconsideration
Reconsideration not taken up

PASSED EFD Same or
Yeas Yeas
Nays Nays
Excused Excused
Absent Absent

Reported correctly engrossed
Signed by President, to the House
Secretary of the Senate

House OKs bill outlawing date-rape drug

■ *Bill is sponsored by Fairbanks Republican Rep. Al Vezey*

By MARK SABBATINI

THE JUNEAU EMPIRE

Making possession of the so-called "date-rape" drug a felony was unanimously approved today by the state House.

The drug Flunitrazepam, which induces sleep and amnesia, has been used against women who did not remember being raped for several hours afterward, said Rep. Al Vezey, a Fairbanks Republican who sponsored House Bill 69. He said identifying and convicting assailants is difficult as a result.

Vezey said the drug has circulated in the Lower 48 for the past few years and now appears to be trickling into Alaska.

"There's usually a two- to

There's usually a two- to three-year lag between when drugs appear on the crime scene and their reaching Alaska.

Rep. Al Vezey

three-year lag between when drugs appear on the crime scene and their reaching Alaska," he said in an interview today.

A person arrested in Anchorage in February possessed the drug and there have been rumors of other in-state incidents involving Flunitrazepam, Vezey said.

"That person cannot be charged under Alaskan law, but they had other drugs on them at the time, so I'm sure there will be charges," he said.

Proof is difficult to obtain because its presence is not detected by standard urine tests.

There have been no seizures of the drug by Juneau Police Department officials, said Officer Paul Hatch. Karen Sturnick, women's program director for the AWARE shelter, said she has not heard women complain about the drug being used against them during the past year she has worked there.

"That doesn't mean that it

hasn't been used," she said. "I think sometimes we believe we here only touch a fraction of what's out there."

Sturnick said her agency supports the bill.

Federal law already prohibits the drug, which goes under the trade name Rohypnol and street names such as Roaches and Rib. Vezey said federal officials seldom have the resources to enforce small-scale possession cases, which is why many states have enacted or are considering similar measures.

The drug is an anti-depressant that is legal in 64 foreign countries, he said. He said it is abused by drug users - especially youths - who combine it with other substances and prolong the effects of alcohol or lessen the let-down effect of cocaine.

Alaska State Legislature

News From The House Majority

web site: <http://www.akrepublicans.org>

State Capitol
Freeman
Juneau, AK 99801
Secretary
Actuality line: 1-800-478-6540

Ken
Press
(907) 465-3804

House Passes Measure To Classify Possession of Date Rape Drug As Felony

For Immediate Release: March 7, 1997
465-3719

Contact: Rep. Al Vezey (907)

JUNEAU - The House of Representatives Friday unanimously passed legislation to classify Flunitrazepam, the date rape drug, as a controlled substance. The bill, introduced by Rep. Al Vezey, (R - Fairbanks) classified the drug as a Schedule IV(A) controlled substance and makes possession a felony.

Rep. Vezey said that Alaska already has laws against sexual assault and those involving the induced use of drugs is a more serious crime and carries a heavier penalty.

"By making Rohypnol a controlled substance, we are attempting to intercept the perpetrators before they have a chance to commit a heinous crime," said Vezey. "We are trying to get out ahead of criminals who would utilize this drug in Alaska."

Flunitrazepam, trade name Rohypnol, is known by street names that include Roaches, Roches, Rocha, Rophies, Roofies, Ruffles, Ropes and Ribs.

Rep. Vezey introduced HB 69 because he said Rohypnol is becoming a growing threat to females, teenagers and young adults. Vezey said that middle and high school students, college students, and street gangs use Rohypnol to boost and prolong the intoxicating effects of alcohol, while heroin addicts use the drug to increase the high produced by heroin and cocaine addicts use Rohypnol to moderate the effects of a cocaine binge.

"The most heinous use of this drug is to slip it into the drink of unsuspecting female as a prelude to rape," said Vezey.

The Alaska Scientific Crime Detection Laboratory is in the process of analyzing what is believed to be the first evidence of Rohypnol's presence in Alaska.

George Taft, Director of the Alaska State Crime Laboratory testified via teleconference to the House Finance Committee on February 24th. He emphasized that there is a case pending for possession of 272 Rohypnol tablets that was submitted to the lab along with some heroin.

**Broadcast Note: An audio actuality is available by calling
1-800-478-6540.**

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ALASKA STATE LEGISLATURE

News From The House Majority

web site: <http://www.akrepublicans.org>

State Capitol
Juneau, AK 99801
Actuality line: 1-800-478-6540

Ken Freeman
Press Secretary

(907) 465-3804

Use of Date Rape Drug To Become Felony

For Immediate Release: February 18, 1997

Contact: Rep. Al Vezey (907) 465-3719

JUNEAU - Legislation introduced in the House of Representatives February 7th by Representative Al Vezey (R-Fairbanks) classifies Flunitrazepam, the "date rape" drug, as a controlled substance. The bill would classify the drug as a Schedule IV(A) controlled substance and makes possession of the drug a felony.

HB 69 has been passed out of the House Judiciary Committee and is awaiting action by the House Finance Committee. Currently the use of Rohypnol is covered under federal law. Alaska does not have any state law governing its use.

Rep. Vezey said that Flunitrazepam, trade name Rohypnol, is known by street names that include Roaches, Roches, Rocha, Rophies, Roofies, Ruffies, Ropes and Ribs. The Alaska Scientific Crime Detection Laboratory is in the process of verifying evidence believed to be the first evidence of Rohypnol's presence in Alaska from the first arrest involving the possession of Rohypnol.

According to Everett Clary, controlled substance supervisor with the State Crime Lab, Rohypnol is making its way to Alaska.

"Within the last few weeks we do have what looks to be our first drug possession case of a large quantity of Rohypnol," said Clary.

Clary noted that in his personal view, Alaska falls three or four years behind other states when it comes to drug use.

"Rohypnol is currently a big problem in the U.S. The use in Alaska has just begun and I think it is time for us to have this legislation in place to be ready for its potential use in our state," said Clary.

Rep. Vezey introduced HB 69 because he said Rohypnol is becoming a growing threat to teenagers and young adults. Vezey said that middle and high school students, college students, and street gangs use Rohypnol to boost and prolong the intoxicating effects of alcohol, while heroin addicts use the drug to increase the high produced by heroin and cocaine addicts use Rohypnol to moderate the effects of a cocaine binge.

"The most heinous illegal use of this drug is to slip it into the drink of a female as a prelude to rape. The drug induces deep sleep and causes amnesia. Victims of drug induced rape can not identify their victims and convictions are difficult and rare. HB 69 sends a clear message that we will not tolerate those who would perpetrate sexual abuse in our society," said Vezey.

Vezey noted that one way to make safer communities is to make sure that the illegal use of drugs like Rohypnol are classified as controlled substances and the offenders are punished as felons.

Broadcast Note: An audio actuality is available by calling 1-800-478-6540.

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ACROSS THE USA

Alabama

Birmingham — New postings on Internet sites for Auburn University and the University of Alabama ask alumni and faculty to lobby state lawmakers to increase school funding. ... Anniston — Under the state's no-pass, no-play policy, 62% of the students in Anniston's middle and high schools remain unable to play team sports and must sit out other extracurricular activities. They earned at least one D on their report cards.

Alaska

Juneau — The state Senate is expected to review a House-OK'd bill that makes it a crime to possess Rohypnol, the so-called date-rape drug. Federal law bans the drug, but legislators say they want a state law because federal officials seldom prosecute small-scale cases.

Arizona

Phoenix — Some 500 Arizonans will be sent a court summons this week that could land them a place on the jury in Gov. Symington's criminal trial. Symington's trial on a 23-count federal indictment, including charges of fraud and attempted extortion, is set for May 13. ... State Corrections officials are pushing a plan to build and operate a private prison in Mexico. Officials say it would save taxpayers money because the state could move nearly 1,600 Mexican inmates now in state prisons.

Arkansas

North Little Rock — In an effort to skirt bureaucracy, Crystal Hill Elementary Magnet School parents are being asked for cash in lieu of fund-raising drives. A new state law bans elementary school students from selling door to door unless accompanied by someone 16 or older.

California

San Francisco — The city's Human Rights Commission reprimanded The Cafe, a Market Street gay bar, for a policy that bars heterosexual couples from dining. The Cafe violated non-discrimination laws by ejecting a man and woman last August, the panel said. ... Los Angeles — About 1,000 people marched through downtown to protest welfare laws they said will harm thousands of elderly immigrants. The march was sponsored by about 50 civil rights and immigrant help groups.

Colorado

Denver — State senators this

bill was OK'd in the House, but "it's going to be a battle royale" in the Senate, said Bartley Clark of the Colorado Psychiatric Society.

Connecticut

Hartford — Lawmakers and city officials agreed to create an independent panel to manage all but the curriculum and instruction in Hartford schools, which suffer low test scores and mismanagement. Next: General Assembly.

Delaware

Newark — An exhibit of 20 pictures depicting lesbian and gay family life is set to go on display Friday at the Newark Public Library. The Diamond Edge Foundation Inc., a nonprofit educational group, is sponsoring the exhibit.

D.C.

City Councilman Jack Evans questioned Mayor Marion Barry's decision to hire a public safety director, especially when Barry's authority over the Police Dept. has been reduced by the city's federal control board. Evans also says the city can find better use for the \$80,000 annual salary Thurman Hampton is being paid. ... The federal EPA has asked city health officials to perform blood tests on children who may have been exposed to toxic levels of lead.

Florida

Ocala National Forest — The forest is under attack by an invasion of tree-eating Southern pine beetles for the first time in 50 years, the state Dept. of Agriculture said. The loss of habitat could be "catastrophic," said environmentalist John Foltz.

Georgia

Lafayette — Former Atlanta lawyer Fred Tokars, 43, convicted of malice murder in the '78 abortion slaying of his wife, now faces a death penalty hearing. Sara Tokars, 38, was kidnapped and slain in front of her two young children.

Hawaii

Foster Village — Crime here has dropped since the community hired Royal Guard Security to protect 900 homes from break-ins. Burglaries, which had been running 10 a month, dropped to three each in December and January.

Idaho

Boise — The Idaho Migrant Council has been given a \$100,000 federal grant to combat domestic violence and child abuse in

Illinois

Chicago — Thomas Hynes, whose Democratic straight-ticket voting drive played a large part in ousting state House Republicans, said he is resigning as Cook County supervisor. Hynes, 54, says he wants to spend time with his family.

Indiana

Muncie — State officials are looking for ways to halt the trend of losing farms to urban sprawl. Cited: 675,437 acres of farmland were lost to development, according to '92 U.S. Census figures.

Iowa

LeMars — Jazz enthusiasts have started an effort to rescue the Clark Terry Jazz Institute at Westmar University. The school announced last week it will phase out the jazz studies major, eliminating the acclaimed jazz institute for financial reasons.

Kansas

Topeka — The Statehouse this week will see its share of controversial measures, including three abortion bills and one concerning concealed handguns.

Kentucky

Lexington — The state is investigating complaints from juvenile female residents involving possibly physical abuse at the Bluegrass Treatment Center, which has shut down after two years. A former employee has been charged with two counts of rape.

Louisiana

Lafayette — Drug testing of welfare recipients could be a boon for children whose parents are addicts, Gov. Foster said. Parents could lose their children to foster care if they continue drug use, he said. He also wants state employees and elected officials tested.

Maine

Augusta — The number of households getting Aid to Families with Dependent Children is at an eight-year low — 18,017 families in January, compared to 22,268 in '91. The decline due to welfare reform has slashed state spending on the program by half in three years, to \$23 million, officials said.

Maryland

Annapolis — Legislators today begin their 10th week of the '97 session. High on the agenda is Ansh-

Mass

Boston rates arr... tic Centre prisoners state will per day Massachusetts

Michigan

Marqu... missionar hiding aft attacked and Kevin the Voice are... Michigan

Minnesota

Minnea are too l... crossed by school ye Minnesota: selma. Ra... lated, acc...

Mississ

Oxford - first black : ty of Missis pers to the Meredith's 114 years school. His c play at the

Missouri

Jeffers... audit of Lin... manager ry payment Personnel c ty's largest e. computer sy: out seeking t

Montana

Billings — commission: gin trimming place Janet) the peace. E: for 18 years moved for 20

Nebraska

Omaha — chairman of Gaming Comr law firm that toe Sioux in the gambling oper ordered the Si says he will no Sioux casino n

Nevada

Alaska State Legislature

House of Representatives

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PENALTIES AND FINES IMPOSED BY HB 69

AS 11.71.030(a)(2). Delivering any amount of Schedule IV(A) to a person under 19 years of age.

Class B Felony

AS 12.55.125(d) imprisonment
AS 12.55.035 fine

AS 12.55.125(d) A defendant convicted of a class B felony may be sentenced to a definite term of imprisonment of **not more than 10 years**, and shall be in AS 12.55.155 - 12.55.175:

- (1) if the offense is a second felony conviction, four years;
- (2) if the offense is a third felony conviction, six years.
- (3) [Repealed, § 6 ch 6 SLA 1996.]

12.55.035(b)(2) (Fines) Class A, B, or C felony \$50,000

AS 11.71.040(a)(1). A defendant manufactures or delivers, or possesses with intent to manufacture or deliver, any schedule IV(A) controlled substance.

Class C Felony

AS 12.55.125(e) imprisonment
AS 12.55.035(b)(2) Fines

Fine

AAS 12.55.125(e)(e) A defendant convicted of a class C felony may be sentenced to a definite term of imprisonment of **not more than five years**, and shall be sentenced to the following presumptive terms, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

- (1) if the offense is a second felony conviction, two years;

- (2) if the offense is a third felony conviction, three years.
- (3) [Repealed, § 6 ch 6 SLA 1996.]
- (4) if the offense is a first felony conviction, and the defendant violated AS 08.54.720(a)(15), one year.

12.55.035(b)(2) (Fines) Class A, B, or C felony \$50,000

11.71.050(a)(4). A defendant possesses a schedule IV(A) controlled substance on or within 500 feet of school grounds, or a recreation or youth center or on a school bus.

Class C Felony	AS 12.55.125(e)	imprisonment
		Fine

(e) A defendant convicted of a class C felony may be sentenced to a definite term of imprisonment of **not more than five years**, and shall be sentenced to the following presumptive terms, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

- (1) if the offense is a second felony conviction, two years;
- (2) if the offense is a third felony conviction, three years.
- (3) [Repealed, § 6 ch 6 SLA 1996.]
- (4) if the offense is a first felony conviction, and the defendant violated AS 08.54.720(a)(15), one year.

AS12.55.035(b)(2) (Fines) Class A, B, or C felony \$50,000

AS 11.71.050(a) A defendant possesses less than 25 tablets (or less than three grams) of a schedule IV(A) controlled substance.

Class A Misdemeanor	AS 12.55.145	imprisonment
	AS 12.55.035(b)(3)	fine

AS 12.55.135. Sentences of imprisonment for misdemeanors. (a) A defendant convicted of a class A misdemeanor may be sentenced to a definite term of imprisonment of **not more than one year**.

AS12.55.035(b)(3) (Fines) Class A Misdemeanor \$5,000
Existing penalties and fines for sexual assault in the first degree are:

AS 12.55.125(3)(b). Sentences of imprisonment for felonies. A defendant convicted of misconduct involving a controlled substance in the first degree shall be sentenced to a definite term of imprisonment of **at least five years but not more than 99 years.****

AS 12.55.035(b)(1) (Fines)

\$75,000

** Currently, Rohypnol is not a controlled substance. Defendants convicting of first degree sexual assault not involving a controlled substance can be sentenced to not more than 30 years of imprisonment.

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Documented Federal (DEA and U.S. Customs) plus State and Local Law Enforcement Cases Involving Flunitrazepam Collected as of December 24, 1996. (Information was collected by Dr. James M. Tolliver, Drug and Chemical Evaluation Section, Office of Diversion Control, DEA)

STATE AND LOCAL CASES

3230

DEA CASES

136

1987 to December 1996

(Arizona, California, Florida, Georgia,
Illinois, Kansas, Maryland, New Mexico, New York,
Oklahoma, Rhode Island, Puerto Rico,
South Carolina, Tennessee, Texas, Virginia, Alabama)

CUSTOMS CASES (Mail Seizures)

January 1990 To December 1995

68

Violator Residence: Connecticut, Colorado,
Florida, Hawaii, Massachusetts, New Jersey,
New York, North Carolina, Texas

January 1996 To October 1996

37

Violator Residence: California, Florida
Hawaii, Illinois, Massachusetts, Minnesota
New Jersey, New York, Texas, Washington

CUSTOMS CASES (Non-Mail Seizures)

January 1990 To January 1996

196

Violator Residence: Alabama, Arkansas,
Arizona, California, Florida, Georgia,
Indiana, Kansas, Louisiana, Mexico,
Mississippi, New York, Ohio, Oklahoma,
South Carolina, Tennessee, Texas, Virginia

January 1996 to October 1996

105

Violator Residence: Alabama, Arizona,
California, Colorado, Florida, Hawaii,
Illinois, Louisiana, Maryland, Massachusetts,

New Jersey, New York, Oklahoma, Pennsylvania,
Texas, Washington

TOTAL LAW ENFORCEMENT CASE

3773

Numbers of State and Local Law Enforcement Cases Involving Flunitrazepam Documented As Of December 24, 1996. (Information was collected by Dr. James M. Tolliver, Drug and Chemical Evaluation Section, Office of Diversion Control, within the Drug Enforcement Administration).

Alabama	21
Arizona	97
Arkansas	2
California	38
Connecticut	1
Florida	1159
Georgia	14
Hawaii	2
Illinois	2
Indiana	3
Kansas	7
Louisiana	193
Maryland	3
Michigan	1
Minnesota	2
Mississippi	31
Missouri	1
Montana	1
Nevada	1
New Jersey	3
New Mexico	3
New York	10
North Carolina	10
North Dakota	1
Ohio	3
Oklahoma	86
Oregon	1
Pennsylvania	1
Rhode Island	1
South Carolina	1
Tennessee	2
Texas	1538
Virginia	3
Washington	1
TOTAL	3230

Alaska State Legislature

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Juneau AK
99801-1182

Representative Al Vezey

HOUSE FINANCE COMMITTEE MINUTES FOR HB 69

**February 24, 1997
FINANCE at 1:37 PM
CAPITOL RM 519**

TAPE HFC 97-38, Side 1, #000 - end.
TAPE HFC 97-38, Side 2, #000 - end.
TAPE HFC 97-39, Side 1, #000 - #624.

CALL TO ORDER

Co-Chair Therriault called the House Finance Committee meeting to order at 1:37 p.m.

PRESENT

Co-Chair Hanley	Representative Kelly
Co-Chair Therriault	Representative Kohring
Representative Davies	Representative Martin
Representative Foster	Representative Moses
Representative Grussendorf	Representative Mulder

Representative Davis was absent from the meeting.

ALSO PRESENT

Representative Al Vezey; Representative Con Bunde; Tom Wright, Staff, Representative Ivan; Bill Rolfzen, Department of Community and Regional Affairs; Lamar Cotten, Deputy Commissioner, Department of Community and Regional Affairs; Robert Bartholomew, Assistant Director, Income and Excise Audit Division, Department of Revenue; Pat Carr, Division of Public Health, Department of Health & Social Services; Elmer Lindstrom, Special Assistant, Department of Health and Social Services; George Taft, Crime Lab, Department of Public Safety; Rod Stamler, Forensic Investigative Associates.

HB 69 "An Act relating to designating flunitrazepam as a schedule IA controlled substance; and providing for an effective date."

1

SSHB 69 was reported out of Committee with a "do pass" recommendation and with two zero fiscal notes; one by the Department of Law (dated 2/13/97), and one by the Department of Public Safety (dated 2/13/97).

HOUSE BILL NO. 69

"An Act relating to designating flunitrazepam as a schedule IA controlled substance; and providing for an effective date."

REPRESENTATIVE AL VEZEY testified in support of HB 69. He stated that HB 69 would add the benzodiazepine, Rohypnol, to the list of controlled substances. The generic name of Rohypnol is flunitrazepam. He observed that there is a case pending which involves the extradition of a person from Portland to Alaska on charges of drug induced rape. There have been 1,800 arrests in Florida over the past two and one-half years involving Rohypnol.

Representative Vezey discussed current statutes regarding sexual assault penalties. He emphasized that Alaska already has laws against sexual assault. Sexual assault involving the induced use of drugs is a more serious crime and carries a heavier penalty. Alaskan sexual assault laws are not being amended. He explained that by making Rohypnol a controlled substance an attempt is being made to intercept perpetrators before they have a chance to commit a crime.

Representative Vezey explained that Rohypnol is not the only benzodiazepine drug used for sleeping disorders. All other benzodiazepines except Rohypnol are listed as Class A controlled substances. He noted that Rohypnol is similar to Valium but ten times as strong. Rohypnol is classified by HB 69 as a Class A substance to be consistent with other similar controlled substances. While Rohypnol can be screened it is not part of the current screening process. An additional test would be required.

Representative Vezey observed that a person was recently arrested in Anchorage with 272 tablets of Rohypnol. This person cannot be prosecuted under state law. Rohypnol is too complicated for a street laboratory to make. Although

2

Rohypnol is not for sale in the United States, it is available over-the-counter in Mexico and Latin America. There have been several deaths where Rohypnol was used in connection

with heroin or cocaine. He reiterated that the intent is to intercept the drug before a crime can occur.

In response to a question by Co-Chair Therriault, Representative Vezey stressed that rape is a crime where the victim is victimized by the enforcement process.

Representative Grussendorf spoke in support of the legislation.

Representative Kohring spoke in support of the legislation. He MOVED to report SSHB 69 out of Committee with individual recommendations and with the accompanying fiscal notes. Co-Chair Therriault OBJECTED for purposes of further discussion.

GEORGE TAFT, DIRECTOR, CRIME LABORATORY, DEPARTMENT OF PUBLIC SAFETY, ANCHORAGE testified via the teleconference network in support of HB 69. He reiterated that there is a case pending for possession of 272 tablets that was submitted with heroin.

Representative Davies asked what penalties are associated with possession. Representative Vezey explained that possession of more than 25 tablets would be a Class C felony, attempting to contribute to a minor would be a Class B felony, use without consent would be an Unclassified felony, and possession of less than 25 tablets would be a misdemeanor. He observed that the drug is not legal for sale in the United States.

Representative Davies asked if there are other classes of drugs that have the same street utility. Mr. Taft replied that there is another drug, gamma-Hydroxybutyrate, that is causing problems. Representative Vezey noted that gamma-Hydroxybutyrate is a street drug. He observed that there are lots of chemical variations. He noted that this drug is the subject of discussions for additional legislation.

Representative Kohring restated his motion to MOVE the legislation. There being NO OBJECTION, it was so ordered.

SSHB 69 was reported out of Committee with a "do pass" recommendation and with two zero fiscal notes; one by the Department of Law (dated 2/13/97), and one by the Department of Public Safety (dated 2/13/97).

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99801-1182

Representative Al Vezey

**JUDICIARY COMMITTEE MINUTES FOR HB 69
FEBRUARY 12, 1997
JUDICIARY at 1:00 PM
CAPITOL RM 120**

MEMBERS PRESENT

Representative Joe Green, Chairman
Representative Con Bunde, Vice Chairman
Representative Brian Porter
Representative Jeannette James
Representative Norman Rokeberg
Representative Eric Croft
Representative Ethan Berkowitz

MEMBERS ABSENT

All members present

*** SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 69**

"An Act relating to designating flunitrazepam as a schedule IVA controlled substance; and providing for an effective date."

- MOVED SSHB 69 OUT OF COMMITTEE

SSHB 69 - ROHYPNOL AS SCHEDULE IV-A DRUG

The next order of business to come before the House Judiciary Standing Committee was SSHB 69, "An Act relating to designating flunitrazepam as a schedule IVA controlled substance; and providing for an effective date."

CHAIRMAN GREEN called upon Representative Vezey to present the bill.

REPRESENTATIVE AL VEZEY, sponsor, explained that the proposed legislation would amend the state's controlled substance statutes under Title 11. He noted there was a Governor's Council on Controlled Substances; however, they had not met in 15 years when the statute was enacted in its present form in 1982, and major amendments in 1990.

REPRESENTATIVE VEZEY advised members that during a vacation in Florida he was made aware that there had been 1,800 arrests involving the illegal use of flunitrazepam. The most common use of the drug was as an intoxicant to augment the effects of alcohol, heroin or cocaine.

REPRESENTATIVE VEZEY advised members the drug was not legal to manufacture, distribute or possess in the United States under federal law, but was not illegal to possess or distribute under state law. He pointed out that the drug was a member of the family of drugs known as benzodiazepines which are the antidepressant, hypnotic drugs, of which all but flunitrazepam are listed in the state's schedule IVA controlled substances.

Representative Vezey explained that possession with the intent to manufacture or distribute would be a class C felony. He noted that the drug was not known to be manufactured by street chemists because it was too complicated a drug to manufacture.

Number 1278

REPRESENTATIVE BUNDE moved to adopt SSHB 69. There being no objection, SSHB 69 was adopted.

REPRESENTATIVE VEZEY advised members that the drug was not detectable in a normal urinalysis, so the state of Alaska did not have the capability of testing for the drug. He advised members that the manufacturer of the drug had a very aggressive program in working with law enforcement agencies and if use of the drug is suspected, they have a means to detect its presence.

REPRESENTATIVE PORTER advised members he had attempted, for a number of years, to arrive at a structure for the state's drug laws that would allow the ability to adopt, by reference, the federal substance abuse prescriptive list.

REPRESENTATIVE VEZEY explained that the state of Alaska lists drugs under two different schedules for two different purposes. The sponsor substitute dealt with Title 11, which was the criminal code. He noted that Title 17 addressed the medical use of controlled substances and the state had adopted the federal regulations for those types of drugs.

GEORGE TAFT, Director, Alaska Crime Lab, advised members he had received a large packet of information on the drug from Texas and most of what he had read about the drug was not good.

REPRESENTATIVE ROKEBERG asked how the state would be able to prosecute under the statute if the drug is undetectable.

EVERETT CLEARY, Chief Toxicologist, Alaska Crime Lab, advised members that currently the screens that are used to detect different categories of drugs did not react to the presence of flunitrazepam, although if the drug were suspected to have been used, the lab had alternate means to detect the presence of the drug.

TAPE 97-16, SIDE A
Number 000

DON DAPCEVICH, Executive Director, Advisory Board on Alcoholism and Drug Abuse, advised members they were in support of SSHB 69. He noted that the proposed legislation supported the statewide planning efforts for alcoholism and drug abuse by decreasing accessibility to drugs, and by increasing the available penalties for misuse of drugs.

MR. DAPCEVICH noted that flunitrazepam first came to the board's attention approximately two and a half years ago where there was extensive misuse of the drug in the state of Florida which had spread to California some time later. He pointed out that one of the side effects of the drug was memory loss which was one of the reasons it had become known as the date rape drug. To his knowledge, the drug had not yet appeared in the state of Alaska, although felt it would only be a matter of time before it did.

REPRESENTATIVE CROFT asked if there was any action necessary from the Controlled Substance Advisory Committee to make the drug illegal.

JERRY LUCKHAUPT, Attorney, Legislative Legal and Research Services, Legislative Affairs Agency, advised members they would not need action by that committee. He explained that the legislature established a method for having changes in the schedules brought to their attention in order that they could enact legislation that would change the schedules. Mr. Luckhaupt advised members that committee had not met for at least 12 years, if it ever met. He noted that AS 11.71.120 talked about the authority of the committee to recommend changes to the legislature which requires the Governor to introduce legislation through the Rules committee upon their recommendations to add, delete or reschedule a drug. Mr. Luckhaupt noted that a provision could be included in the proposed legislation that said notwithstanding AS 11.71.120; add a separate bill section, or amend the entire thing out.

MR. LUCKHAUPT addressed the suggestion made by Representative Porter of adopting, by reference, the federal government's list of drugs. He stated that the problem with Alaska taking that approach was a decision of the Alaska Supreme Court in a case that dealt with the legislature's adoption of a plumbing or electrical code a number of years ago in which the court said the state could not adopt a body of regulations changed by someone else, through time, and allow the changing body to govern that conduct in Alaska.

Number 1556

REPRESENTATIVE ROKEBERG moved that SSHB 69 move out of the committee with the attached zero fiscal notes and individual recommendations. Representative Berkowitz objected for the purpose of discussion.

REPRESENTATIVE BERKOWITZ explained that his concern was with the attached zero fiscal notes, which to him presumed there would never be a prosecution.

CHAIRMAN GREEN explained that through the budget process there was an amount of money allocated for passed legislation.

REPRESENTATIVE JAMES pointed out that many times a fiscal note would not be necessary because some costs could be absorbed within the existing budgets.

REPRESENTATIVE BERKOWITZ withdrew his objection. There being no objection, SSHB 69 was moved out of the House Judiciary Standing Committee with the attached zero fiscal notes.

ADJOURNMENT

Number 1675

CHAIRMAN GREEN adjourned the House Judiciary Committee meeting at 3:10 p.m.

Alaska Women's Lobby

P.O. Box 210685 Anchorage 99521
211 Fourth Street Suite 108 Juneau 99801

phone: 907-586-1107
fax: 907-586-1097

POSITION STATEMENT

HB69: Criminalization of the "date rape" drug

Alaska has the dubious distinction of having one of the highest rates of reported rapes in the nation. Statistics indicate that the majority of sexual assaults - both in Alaska and in the nation - are committed by persons known to the victim. Among these most common types of sexual assault is "date rape."

Instances of "date rape" in which the drug Rohypnol is used in commission of the crime are increasingly common. The drug has the ability to completely incapacitate a victim and cause blackouts. The results are that women are unable to protect themselves and unable to remember the assault. Consequently, perpetrators that use this drug are virtually assured that the victim will offer no resistance and the crime will go unreported.

Possession of the drug Rohypnol is currently legal in Alaska. SB 94 and HB 69 would make possession of the drug a Class C felony, and would significantly increase penalties if the drug were used in the commission of a sexual assault. The Alaska Women's Lobby supports passage of a measure to criminalize this drug in an effort to prevent sexual assaults and protect women from increasingly dangerous attacks.