

HB

379

HFIN

FILE

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: CSHB 379(JUD)
 (H) Publish Date: 2/8/06
 Dept. Affected: Health & Social Services
 RDU Departmental Support Services
 Component Commissioner's Office

Revision Date/Time (Note if correction):
 Title RELATING TO SCHEDULE IA CONTROLLED SUBSTANCES

Sponsor MEYER
 Requester HOUSE (JUD)

Component No. 317

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
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						
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CHANGE IN REVENUES (0)						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1037 GF/Mental Health						
Other(Specify Type-do not abbreviate)						
Other(Specify Type-do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2006) cost: _____
 Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: *(Attach a separate page if necessary)*
 The proposed changes to Schedule IA controlled substances will have no fiscal impact on the Department of Health and Social Services.

Prepared by: Sherry Hill, Special Assistant Phone 465-1618
 Division Office of the Commissioner Date/Time 02/08/2006
 Approved by: Karleen Jackson, Commissioner Date 02/08/2006
 Agency Department of Health and Social Services

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Prepared by: Sherry Hill, Special Assistant

Division: Office of the Commissioner

Approved by: Karleen Jackson, Commissioner

Agency: Department of Health and Social Services

Phone: 465-1618

Date/Time: 02/08/2006

Date: 02/08/2006



REPRESENTATIVE KEVIN MEYER

HOUSE DISTRICT 30

SPONSOR STATEMENT

HB 379

"An Act relating to controlled substances."

Taken first by bodybuilders in the 1980's when steroids were initially controlled, GHB was believed to enhance steroid production. A small amount of GHB, when ingested elicits feelings similar to intense intoxication and gained popularity initially as a way to get drunk without the calories.

Since it is easily added to a drink, difficult to detect, leaves the system quickly and is very difficult for law enforcement to identify, GHB has become a popular "date rape" drug. In February of 2000, GHB was elevated at the Federal Level to a schedule I narcotic. Like other drugs, GHB and its variations are sadly found in Alaska.

Late last year, three young men were charged in federal court in the death of a 16-year-old Chugiak High School Student. The young men were charged in Federal Court because the variation of GHB they were allegedly providing isn't covered in Alaska's controlled substances statutes.

House Bill 379 adds these variations of GHB to Alaska's controlled substances act and raises them, along with GHB to a schedule 1A narcotic. Since this narcotic is addictive, dangerous, and popular as a "date rape" drug it deserves the harshest designation possible under state law.



REPRESENTATIVE KEVIN MEYER

HOUSE DISTRICT 30

MEMORANDUM

DATE: February 8, 2006
TO: Representative Kevin Meyer
FROM: Mike Pawlowski
RE: Sectional Analysis for CSHB 379 (JUD)
(Version No. 24 – LS1396\F)

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1. Amends AS 11.71.140 to include GHB in schedule 1A of the Controlled Substances Act and adds a new subsection scheduling similar substances when intended or used for human consumption.

Section 2. Repeals GHB from schedule 4A of the Controlled Substances Act.



REPRESENTATIVE KEVIN MEYER

HOUSE DISTRICT 30

MEMORANDUM *Change Summary*

DATE: February 8, 2006
TO: Representative Kevin Meyer
FROM: Mike Pawlowski
RE: Changes to HB 379 incorporated in CSIB 379 (JUD)
(Version No. 24 -- LS1396F)

Title: Replaced with a new title.

Section 1. Replaced (2) and (3) a new subsection (2) scheduling GBL, BD, GHV and GVL when "intended or used for human consumption.

Section 2. Deleted.

Section 3. Renumbered as section 2

[Text Version](#) [PDF Version](#) [To Publications Page](#) [To Home Page](#)



Title:

Information Bulletin: GHB Analogs

GBL, BD, GHV, and GVL

Publication Date: August 2002

Document ID: 2002-L0424-003

This information bulletin provides an update on the availability of, demand for, production, transportation, and distribution of GHB analogs.

Your questions, comments, and suggestions for future subjects are welcome at any time. Addresses are provided at the end of the page.

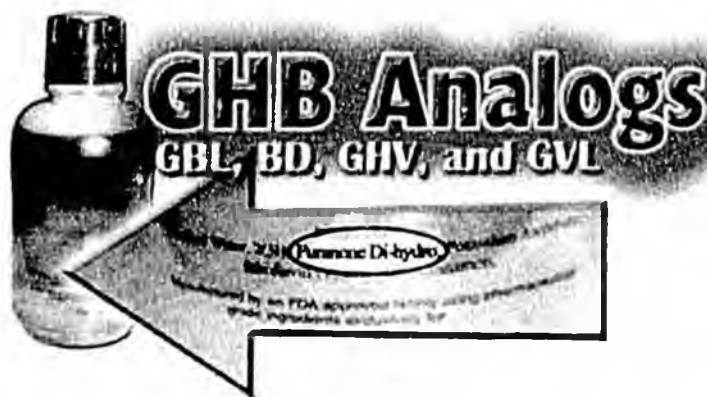


Contents

Introduction	Tests for GHB Analogs
Analogs	Legislation
Abuse	Outlook
Distribution	Sources

List of Tables

Table 1. GHB Analogs
Table 2. Emergency Department Mentions for GHB and GBL in 22 Major U.S. Cities, 1994-2000



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Introduction

Because the criminal penalties associated with GHB (gamma-hydroxybutyrate) have been made more stringent and law enforcement pressure has rendered GHB more difficult to obtain, the distribution and abuse of GHB analogs have become an increasing concern. GHB analogs, which include GBL, BD, GHV, and GVL, are drugs that possess chemical structures that closely resemble GHB. The ingestion of any of these analogs produces physiological effects similar to the effects associated with GHB abuse--relaxation, mild euphoria, and drowsiness. Abusers who emerge from a deep sleep or coma caused by GHB analogs may become easily agitated and extremely combative. GHB analogs are of particular concern because they contribute to increasing numbers of auto accidents, sexual assaults, and deaths.

While federal law prohibits the sale of analogs for human consumption, GHB analogs are available legally as industrial solvents used to produce polyurethane, pesticides, elastic fibers, pharmaceuticals, coatings on metal or plastic, and other products. These analogs also are sold illicitly as supplements for bodybuilding, fat loss, reversal of baldness, improved eyesight, and to combat aging, depression, drug addiction, and insomnia. GBL and BD are sold as "fish tank cleaner," "ink stain remover," "ink cartridge cleaner," and "nail enamel remover" for approximately \$100 per bottle--much more expensive than comparable products. Law enforcement's efforts to identify the abuse of GHB analogs are hampered by the fact that routine toxicological screens do not detect the presence of these analogs. In addition, distributors continually develop new analogs to avoid law enforcement detection.

[To Top](#) [To Contents](#)

Analogs

GHB analogs often are abused in place of GHB or are used to produce GHB. Common GHB analogs include GBL, BD, GHV, and GVL. (See Table 1.) Both GBL and BD metabolize into GHB upon ingestion. GBL is the most common precursor used in the production of GHB. GVL is abused in place of GHB because it metabolizes into GHV, which produces physiological effects similar to GHB.

Table 1. GHB Analogs

Analogue	Chemical Name/Alternative Name	Precursor for Production of	Metabolizes Into
GBL	gamma-butyrolactone furonone di-hydro dihydrofuranone	GHB	GHB
BD	1,4-butanediol tetramethylene glycol sucol-B butylene glycol	GBL	GHB
GHV	gamma-hydroxyvalerate methyl-GHB	*	*
GVL	gamma-valerolactone 4-pentanolide	GHV	GHV

*GHV is not used as a precursor and is not metabolized into another drug.

[To Top](#) [To Contents](#)

Abuse

GHB analogs are distributed as liquids and consumed orally. When ingested, these analogs produce effects such as relaxation, mild euphoria, and drowsiness. Such effects are similar to those associated with GHB abuse and may resemble the results of alcohol intoxication. GHB analogs also may increase libido, suggestibility, passivity, and cause amnesia--traits that make users vulnerable to sexual assault and other criminal acts. Users awakening or emerging from coma may exhibit extreme combativeness, a condition which is also observed among those in withdrawal from addiction to GHB

and its analogs. GHB analogs are known to produce side effects such as topical irritation to the skin and eyes, nausea, vomiting, incontinence, loss of consciousness, seizures, liver damage, kidney failure, respiratory depression, and even death. GHB analogs are physically addictive, causing addicts to experience severe withdrawal symptoms if they miss a dose or attempt to stop using the drug.

Man Drugs Wife and Babysitter With BD

In March 2002 a South Dakota man was arrested for possession of BD and the distribution of BD to a minor. The man had purchased a dietary supplement containing BD from a Canadian company over the Internet. The man's wife believes that her husband drugged both her and their babysitter with the substance. The man allegedly experimented with the product on himself in order to determine the dosage, in relation to body weight, that would achieve the desired effects. On several occasions, after consuming mixed drinks her husband prepared, the wife fell into a deep sleep and vaguely recalled her husband's having sexually abused her. One evening, when both the husband and wife had separate plans to be out of the house, the wife returned home and found the husband at home with the babysitter who said she felt drowsy. The babysitter claimed that the husband had given her something for a headache and said she recalled him rubbing her back and touching her breasts. The wife immediately took the babysitter to the hospital and notified authorities.

Source: Sioux Falls Police Department.

Some GHB analog abusers begin consuming dietary supplements believing the claims made by manufacturers, and then find themselves addicted to the product. GHB analogs typically are abused in place of GHB by users who want to experience the effects associated with GHB and who find the analogs more widely available or easily obtained. Often users are unaware that they are consuming an analog and mistakenly believe that the substance they are ingesting is GHB. Many users mix the analogs with flavored beverages to mitigate their salty flavor and unappealing odor. Some users, however, simply ingest the drugs straight or mixed with water. It is often difficult or impossible to detect the presence of GBL, BD, GHV, or GVL when they are mixed with other liquids because these analogs are all clear and colorless. A quick test that indicates the possible presence of GHB analogs or GHB in a clear liquid involves shaking the liquid. If it becomes cloudy, GHB analogs or GHB may be present.

Because GHB analogs either are metabolized into GHB by the human body or produce similar physiological effects when ingested, healthcare providers often are unable to distinguish between the abuse of GHB and GHB analogs. Thus, the rising abuse of GHB, evidenced by the increase in Drug Abuse Warning Network (DAWN) emergency department mentions, reflects increased GHB analog use as well. (See Table 2.)

Table 2. Emergency Department Mentions for GHB and GBL in 22 Major U.S. Cities, 1994-2000

Year	Total
1994	56
1995	145
1996	638
1997	762
1998	1,282
1999	3,178
2000	4,969

Source: Substance Abuse and Mental Health Services Administration, Drug Abuse Warning Network.

[To Top](#) [To Contents](#)

Distribution

GHB analogs are readily available, and various methods are used to distribute these drugs. Because of legislation (see Legislation section), GHB analogs are legally available only in products not intended for human consumption. Abusers and distributors may obtain commercial products such as chemical solvents legally and then illegally consume or distribute them. Illegal distribution of GHB analogs often occurs at raves, concerts, nightclubs, health clubs, gyms, and on college campuses. At these venues GHB analogs usually are sold for \$10 to \$20 per capful (approximately 1 teaspoonful). When distributors sell these drugs, they may fail to specify which analog they are selling, or they may misrepresent the analog as GHB.

GHB analogs also are distributed at disreputable stores that sell health food and nutritional supplements. The analogs also may be marketed on the Internet and then shipped to purchasers via package delivery services. Typically, analogs are marketed as dietary supplements, sleep aids, and cleaning products. They are packaged in bottles containing 4 to 20 ounces and sold for \$40 to \$100 each. The products that are distributed as dietary

supplements usually contain GVL as the active ingredient, while the cleaning supplies usually contain GBL or BD. The concentration of the analog varies; therefore, the size of a dose may range from one-half teaspoon to one-half ounce, and the number of doses per bottle may range from 24 to 48.

BD Ingredient in Sleep Aid

On January 27, 2000, a Utah man died from taking Zen, a product containing succol-B, an alternative name for 1,4-butanediol. The man initially purchased the product in July 1999 as a sleep aid from a local health food store and was unaware that the product contained a GHB analog. He realized he had become addicted to the substance and was trying to wean himself from it before his death. In April 2002 the man's widow reached an undisclosed settlement in a case filed in civil court holding the store responsible in the wrongful death of her husband, claiming they failed to warn consumers that the product contained an active ingredient that is processed by the body into GHB.

Sources: G. Erick Nielson and Associates (plaintiff's legal representative); *Associated Press*.

Individuals who illegally produce GHB analogs for human consumption often list alternative chemical names to disguise the ingredients. Most users recognize the analog by the brand name or through advertisements that tout the product as a replacement for a similar product that has been removed from the market. Products that contained BD or GBL such as RenewTrient II, Serenity, Inner-G, Soma Solution, and Blue Nitro are no longer sold, primarily because of law enforcement pressure, but comparable products with similar brand names are available.

GHB analogs often are sold with disclaimers that they are not for human consumption; however, many of the products have labels implying that the product may be ingested. One product marketed as an industrial solvent has a label that states "Warning! Accidental ingestion of [product] will produce GHB in your body. If you ingest some by mistake, don't take alcohol or any other drug!" Another product label states "Warning: Accidental ingestion may cause...euphoria...increases tactile sensitivity...". Many of the products are marketed as "Great Household Bargains" (GHB) in order to increase their exposure to individuals seeking GHB analogs.

In addition to the distribution methods discussed previously, supplies, kits, and recipes for producing GHB using the GHB analog GBL are marketed and sold on the Internet.

GHB Kits

Between March 22, 1999, and January 20, 2000, two brothers operating from Mississippi and South Carolina marketed "GHB kits" on the Internet disguised as computer-cleaning solvents. The kits included instructions for producing GHB from GBL and contained enough GBL and sodium hydroxide (the chemical used to convert GBL to GHB) to make 15 to 20 doses of GHB; the kits were sold for \$55. New Jersey Statewide Narcotics Task Force investigators made nine undercover purchases by communicating via web sites and an e-mail account. Police seized a 55-gallon drum of GBL and 10 pounds of sodium hydroxide from a home owned by the brothers in Mount Pleasant, South Carolina. On March 23, 2002, a New Jersey court sentenced the brothers to 4 years in prison under a plea agreement.

Source: *Associated Press*.

[To Top](#) [To Contents](#)

Tests for GHB Analogs

Seized GHB analogs frequently are not identified because detection of such analogs requires specific field and laboratory testing. Three different color tests--cobalt nitrate, Marquis reagent, and Mandelin reagent--are useful for detecting the presence of GHB analogs. (Contact forensic laboratories to obtain specific instructions regarding utilizing these test kits.) Both the Marquis reagent and the Mandelin reagent tests are available commercially.

Routine toxicological screens do not detect GHB or GHB analogs; thus, law enforcement officers and medical personnel must order specific blood and urine tests when they suspect GHB analog abuse. The most common urine tests screen only for the "NIDA-5," five of the most commonly abused categories of drugs--amphetamines (amphetamines, methamphetamine), cocaine (powdered cocaine, crack), cannabinoids (marijuana, hash), opiates (heroin, opium, codeine, morphine), and phencyclidine (PCP). GHB in the blood or urine can result from the ingestion of GHB, GBL, or BD. To yield a reliable result, tests for GHB and GHB analogs must be performed not long after ingestion. Urine tests for GHB and GHB analogs must be performed within 12 hours after ingestion, and blood tests must be performed within 5 hours.

Federal, state, and local forensic laboratories may not routinely test for GHB in blood or urine. For example, the Florida Department of Law Enforcement (FDLE) began testing for GHB in urine on December 1, 2000, but tests are performed only if the suspect exhibits symptoms indicating the presence of GHB. FDLE does not have the resources to conduct blood tests; if blood tests are needed, the samples to be tested must be sent to outside laboratories--some of which are located in other states.

GHB Factor in Auto Fatality

On November 21, 2000, a Florida woman under the influence of GHB crashed head-on into another car, killing a passenger in the other vehicle. Hours before the incident, the woman had been arrested after passing out at a red light. A Breathalyzer test failed to detect alcohol; however, the woman admitted to having drunk from a bottle that contained GHB. She posted bond and was released. Two weeks before the fatal collision, the driver had been ticketed for careless driving; police did not detain her because the officer at the scene did not smell alcohol and did not know to test for GHB.

Source: Florida Department of Law Enforcement; *Sr. Petersburg Times*.

Because GHB analogs produce effects similar to GHB, driving under the influence of the analogs is just as dangerous as driving under the influence of GHB. As a result, some agencies have adopted aggressive strategies for identifying drivers who may have consumed GHB. The Pinellas-Pasco Medical Examiner's Office in Florida conducts GHB tests on drivers who are suspected of driving under the influence (DUI). In 2000 GHB was detected in approximately 8 percent of the suspected DUI cases that the office examined.

[To Top](#) [To Contents](#)

Legislation

On February 18, 2000, the "Hillary J. Farias and Samantha Reid Date-Rape Prohibition Act of 1999" (Public Law 106-172) was signed into law, legislating GHB as a Schedule I controlled substance. GBL was also regulated under this law as a List I controlled chemical. Illicit use of GHB analogs may now be prosecuted as Schedule I substances under 21 U.S. Code § 813.

GHB analogs are treated as controlled substances under Federal law only if intended for human consumption. According to 21 U.S.C. § 813, "a controlled substance analog(ue) shall, to the extent intended for human consumption, be treated, for the purposes of any Federal law as a controlled substance in Schedule I." Thus, authorities can prosecute drug offenses involving GHB analogs in the same manner as offenses involving GHB. (See 21 U.S.C. § 802(32) for the definition of a controlled substance analog (ue).)

Outlook

Detering the distribution and abuse of GHB analogs poses unique challenges. Some analogs have legitimate purposes and are legally available. Distributors of illicit GHB analogs will continue to develop new products to disguise their activities, and illicit producers will continue to develop new GHB analogs for the same reasons. Web sites advertising these products will continue to be deceptive and ever-changing. Distributors will develop new disguises for GHB analogs in addition to marketing them as cleaning fluids and dietary supplements. Sharing current information and associated trends relating to GHB analogs among medical personnel, law enforcement officers, and laboratory personnel is essential to stemming the distribution and abuse of these analogs.

[To Top](#) [To Contents](#)

Sources

Annals of Emergency Medicine

Associated Press

Broward County (FL) Commission on Substance Abuse

Emedicine, www.emedicine.com

Florida Department of Law Enforcement

G. Erick Nielson and Associates

Hazeldon Foundation

Journal of Medicinal Chemistry

Journal of the Clandestine Laboratory Investigating Chemists Association

Missouri State Highway Patrol

Neuropharmacology

New England Journal of Medicine

Pennsylvania Attorney General, Bureau of Narcotics Investigation and Drug Control

Porrata Consulting, Inc.

Sioux Falls Police Department

St. Petersburg Times

U.S. Code Title 21, Food and Drugs

U.S. Department of Health and Human Services
Food and Drug Administration
National Institutes of Health
National Institute on Drug Abuse
Community Epidemiology Work Group
Substance Abuse and Mental Health Services Administration
Drug Abuse Warning Network

U.S. Department of Justice
Drug Enforcement Administration
Philadelphia Field Division
St. Louis Field Division

United Nations Office for Drug Control and Crime Prevention

WebMD Medical News, onhealth.webmd.com

Addresses

National Drug Intelligence Center
319 Washington Street, 5th Floor
Johnstown, PA 15901

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FAX (814) 532-4690
E-mail NDIC.Contacts@usdoj.gov

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FAX (703) 556-7807

Web Addresses

ADNET: <http://ndicosa>
DOJ: <http://www.usdoj.gov/ndic/>
LEO: home.lco.gov/lesig/ndic/

[To Top](#) [To Contents](#)

[To Publications Page](#) [To Home Page](#)

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The Great American Chemical Chase

Don't be a part of the Great American Chemical Chase...Life can be lived without a "magic potion" for every ache and discouragement and problem confronting you.

Prescription pills that cause impairment, "sports" or "health" supplements that are unproven (and costly) or illegal drugs all have their risks. Stimulants, for example, can permanently damage serotonergic neurons, which control feelings of well being. Think about the consequences: Your current and future health, potential brain (or other organ) damage, and the ever-present risk of death.

Poison ivy is naturally occurring. Snake venom is naturally occurring. Just because a chemical exists in your body naturally does not mean that adding additional quantities of it to your body is safe, much less beneficial. **EVEN IF A LITTLE IS GOOD, THAT DOES NOT MEAN THAT A LOT MUST BE BETTER.** Be careful what you add to your body - consequences may be grave.

PROJECT
GHEB

For more information go to
www.projectghe.org

Water in the West... (text is mostly illegible due to high contrast and shadows)

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Gamma Hydroxy Butyrate

GHEB

What you don't know
can kill you

They call it "carpeting out" when someone on GHB is dancing happily into the night, only to collapse in a heap and "hit the carpet" heading for a fit of vomiting, twitching or an unarousable coma. GHB is degreasing solvent (floor stripper) mixed with drain cleaner, and is a central nervous system depressant, with dangerous side effects. It is NOT a safe and fun drug as claimed on the Internet. Unfortunately, there is no validation process to protect you from false claims on the Internet. People have unknowingly taken GHB as a sleep aid, sexual stimulant or simply a recreational drug of abuse only to find themselves in intensive care in the hospital. Or, long-term to find themselves addicted to GHB. GHB gives a rapid onset of intoxication, comparable to alcohol but with a euphoric high and out-of-body experience. It often causes vomiting and muscle jerking. Breathing may slow to only six breathes per minute. Pulse/blood pressure will probably slow, or may increase. While most people do sleep off a GHB overdose, some will die without medical intervention. A GHB overdose IS a medical emergency.

More than 10,000 adverse reactions to GHB are documented. More than 72 deaths have been deemed GHB related by DEA (170 more to review), perhaps just a tip of the iceberg since routine testing does not detect it. Deaths include a college student who took it as a "safe" sleep aid and died in his sleep. A 15-year-old in California's high desert who gulped GHB at a RAVE died. A 32-year-old male in Atlanta, Georgia died from GHB only. A bodybuilder in Ohio died, with only alcohol and GHB use. A 15-year-old female in Michigan died from GHB/GBL use. Death is even more likely when alcohol or other drugs are added. Some would have lived IF their friends had called for help.

Taken first by bodybuilders in the 1980's when steroids were first controlled, GHB was believed to enhance steroid production. It doesn't work so easily. Many are lured into its use to get drunk without the calories of alcohol, but the risks are not worth it. GHB causes dangerous levels of impairment. An 18-year-old in California was given GHB by his sports trainer. He passed out, hit his head on the curb, and severed an optic nerve. He is blind in one eye. Others who have used GHB report an inability to maintain focus and stay in training, resulting in a lessening of physical conditioning, rather than a gain.

GHB is rapidly growing as a sexual assault problem because it is easily mixed into a drink, hard for a victim to detect, leaves the system quickly, and is difficult for law enforcement to identify. Drug-facilitated rape cases are difficult to prosecute. A victim's efforts to prevent such occurrences and a victim's actions if it does happen are crucial. Don't drink unusual drinks; don't take drinks from strangers; don't leave your drink unattended. If it happens, IMMEDIATE reporting is your best action. A urine sample is needed right away.

Remember too - Getting excessively drunk (alcohol or other recreational drugs) does NOT give anyone the right to rape you, but why volunteer to be a victim? **THINK!**

GHB has "analogs," chemical cousins with identical or very similar effects. GHB is controlled (illegal) federally and in most states. In many states where GHB is illegal, the analogs have been covered and are also illegal. In any case, GHB and its analogs are not safe. Some of the deaths are from analogs.

If you see words such as these on a "sports/health" food supplement you have purchased, BEWARE. These are analogs of GHB and just as dangerous: Gamma butyl lactone or gamma butyrolactone (GBL), 2(3H) furanone dihydro or dihydroxy, 1,4 butanediol, tetramethylene glycol. If the chemical names are different, but the product claims to be "safe" or "legal" or "herbal" GHB, BEWARE. It may be a different analog of GHB.



These products have been sold as Blue Nitro, Renewtrient, Revivarant, Remforce, Firewater, Enliven, Serenity, Revitalize Plus, Thunder Nectar, Rejoov, Flower Power, Dream On, Weight Belt Cleaner and several others - the names keep changing.

Under the influence of GHB, you may not be able to hear (respond to) a phone, pager or doorbell ring or a knock at the door or a baby's cry or a fire alarm. If driving under the influence, you may kill yourself or someone else in a traffic accident.

There is no antidote for GHB. Overdose victims may need to be placed on life support until it passes to assure their survival. In a GHB coma you cannot gag to save yourself if gum in your mouth falls to the back of your throat. You may not hear a fire alarm and save yourself.

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Anchorage Daily News

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Suspect pleads guilty in fatal drug case**COOPERATION: Three charges will be dropped in agreement with prosecutor.**By JULIA O'MALLEY
Anchorage Daily News*(Published: December 6, 2005)*

Thairon Hawk, one of three men charged in connection with a 16-year-old Chugiak High School student's fatal drug overdose, admitted in federal court he helped friends conceal evidence they had provided the killer dose of a potent drug.

Hawk, 22, pleaded guilty Monday to being an accessory after the fact, a felony that carries a sentence of up to 15 years in federal prison. His sentence may be closer to six or seven years, according to sentencing guidelines.

Hawk originally was indicted on three other criminal counts related to lying about his involvement in the crime: obstruction of justice, making false material declarations under oath to a grand jury, and making a false statement. Those charges will be dropped at sentencing as part of a plea agreement.

"He learned that two people had overdosed on GHB. He also learned one of those people had died," assistant U.S. attorney Crandon Randell told U.S. District Court Judge Ralph Beistline on Monday. "He took possession of one or more bottles of what he thought was GHB. He assisted in the permanent disposal of those bottles."

Hawk, a 2001 Dimond High graduate, and his friends, Glade Lusk, 22, and Matthew O'Connor, 25, were charged in the fatal overdose at a Spenard apartment in summer 2003.

At a late-night gathering, Meghan Maroney, 16, and an 18-year-old girl took doses of 1, 4-Butanediol, or BD, a drug chemically similar to the date-rape drug GHB, according to police. Maroney died. The other girl became sick but recovered. Lusk and O'Connor are charged with providing the drug.

The next morning, Hawk took the drug bottles and threw them away, possibly into Cook Inlet, according to his plea.

"(Hawk's) role didn't begin until the drug had been distributed and people had gotten sick and overdosed," Randell said. "He saw what was going on, and made the decision to get rid of that stuff at Lusk's request."

Because the plea agreement is sealed, Randell would not say whether the other charges against Hawk were dropped in exchange for his testimony against Lusk and O'Connor.

"There is an agreement. He gets something out of it, we get something out of it," Randell said. "We get finality as far as Mr. Hawk is concerned. Hawk gets the benefit of getting three counts dismissed."

O'Connor was charged with distributing a controlled substance to a person under 21. Lusk was

charged with distributing a controlled substance to a person under 21 and possessing a controlled substance with intent to distribute, causing serious bodily injury and death. Their trial is scheduled for Jan. 17.

Both men have pleaded not guilty.

GHB and BD, made of gamma butyrolcatone and sodium hydroxide or potassium hydroxide -- chemicals found in degreasing solvent, floor stripper and drain cleaner -- can cause loss of muscle control, respiratory problems, loss of consciousness, temporary paralysis, and death, according to the drug information Web site projectghb.org.

Hawk will be sentenced at a hearing scheduled for Feb. 14.

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Provider of fatal pill gets 13 years

PLEA: Girl died after consuming drink spiked with date-rape drug.

By MEGAN HOLLAND
Anchorage Daily News

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A 22-year-old man agreed to a plea deal Wednesday in which he'll serve 13 years in federal prison for bringing a "date rape" drug to a party in 2003 that killed a teenage girl.

Glade Lusk pleaded guilty to the federal charges of possession of the drug with intent to distribute it and accessory after the fact for trying to get rid of evidence the next day. He was one of three people charged in the case.

The drug, mixed in a drink and passed around at the party, killed a 16-year-old girl and injured two others at the gathering. The drug was a form of the drug GHB, which is colorless, odorless, and causes drowsiness, dizziness and loss of inhibition. It is sometimes called "liquid ecstasy."

"We hope this case sends a very loud message to Alaskan parents and young people, first that GHB can kill you. And second, if you distribute it and give it to your friends, you face a very lengthy jail sentence," first assistant U.S. attorney Deborah Smith told a news conference at the U.S. Attorney's Office in Anchorage. "We plan to prosecute to the full extent of the law."

Anchorage Police Chief Walt Monegan said the case against the three men was the first in Alaska for which someone has been charged with the illegal distribution of the drug. Lusk was prosecuted federally because the particular form of the drug is not illegal in Alaska. Monegan said he wants to change that.

Earlier this month, Matthew O'Connor, 25, pleaded guilty to giving 16-year-old Meghan Maroney the drug and agreed to 10 years in prison. His brother brought her to the party, said John Murtagh, Lusk's attorney.

Last month, Thairon Hawk, 22, pleaded guilty to being an accessory after the fact, a felony that carries a sentence of up to 15 years in federal prison. His sentence may be closer to six or seven years, according to sentencing guidelines.

Murtagh said he and his client did not want to face a jury that might have convicted him of actually handing out the drug and giving it to Maroney, which would have carried a much stiffer federal prison sentence, possibly more than twice the sentence he agreed to. "We had to analyze possible outcomes of the trial," he said.

In June 2003, Maroney and a group of teenagers and young adults gathered at Lusk's apartment



Meghan Maroney, 16, died in 2003 after taking a drug-spiked drink. ()

on Roosevelt Drive in Spenard. Maroney, a Chugiak High School student, drank the drink containing the drug along with others at the party. Sometime that night or early the next morning, she died.

Prosecutors declined to say whether they believed Maroney knowingly drank the drug. They and police said that until the final court appearances for the defendants' sentencings, they would not discuss details of the case.

But Murtagh said there was nothing predatory about giving the drug to Maroney.

"I believe the evidence would have shown that (all the party-goers) knew it was going to be a (drug) party," he said.

Murtagh said his client was temporarily keeping the drug at his house for a friend, to whom he was going to return it. Lusk did not know Maroney, he said.

Lusk admitted in court documents that he had previously sold ecstasy and similar drugs.

"A lot of this reminds me of the last kid who makes the out in the Little League game," Murtagh said. "(Lusk) shouldn't have had it, it was a danger. But more of the issue is that kids ought to be more careful."

Meghan Maroney's father, Harold, was reached by phone at his Eagle River home Wednesday night.

"This is a big relief for us," he said "It's been a long time coming."

Sentencing for Lusk and O'Connor is scheduled for March 13. Sentencing for Hawk is scheduled for Feb. 14.

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