

SENATE BILL REPORT

SB 5305

As Reported By Senate Committee On:
Health & Long-Term Care, February 25, 1997

Title: An act relating to controlling drugs used to facilitate rape.

Brief Description: Controlling drugs used to facilitate rape.

Sponsors: Senators Fairley, Wojahn, Goings, McAuliffe, Patterson and Kohl.

Brief History:

Committee Activity: Health & Long-Term Care: 2/7/97, 2/25/97 [DPS].

SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

Majority Report: That Substitute Senate Bill No. 5305 be substituted therefor, and the substitute bill do pass.

Signed by Senators Deccio, Chair; Wood, Vice Chair; Benton, Fairley, Franklin, Strannigan and Wojahn.

Staff: Jonathan Seib (786-7427)

Background: Flunitrazepam, brand named Rohypnol, is a potent tranquilizer which produces a sedative effect, amnesia, muscle relaxation, and a slowing of psychomotor responses. Sedation occurs 20 to 30 minutes after administration and lasts for several hours. Illicit use of the drug in the United States has reportedly been on the increase since the early 1990s. Particular concern has been expressed over the use of the drug to sedate women prior to raping them.

Under the state Uniform Controlled Substances Act, the degree of control exercised over a controlled substance is dependent on the potential for abuse and the degree of psychic or physical dependency which may be caused by the substance. Substances are placed in five schedules to reflect the amount of control necessary, with schedule I being the most controlled, and schedule V being the least controlled. The penalty for violations involving a controlled substance varies depending on the schedule on which the substance is placed.

Flunitrazepam is currently listed as a schedule IV substance under the state Uniform Controlled Substances Act.

In 1996, several actions were taken at the federal level, including the passage of legislation, to restrict and more severely penalize the illicit use of Flunitrazepam.

Summary of Substitute Bill: The criminal penalties for unlawful acts involving Flunitrazepam are made the same as the current penalties for unlawful acts involving controlled substances classified under Schedule II that are narcotics.

Substitute Bill Compared to Original Bill: Under the proposed substitute, Flunitrazepam remains a Schedule IV controlled substance. However, the penalties for unlawful acts involving Flunitrazepam are changed. The original bill changed the drug from Schedule IV to Schedule II.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Use of Flunitrazepam to facilitate rape is occurring more frequently in the United States. Although no incidence have been reported in Washington, this bill is a good preemptive measure to help assure that an incidence does not occur.

Testimony Against: While it is appropriate to increase penalties for the illicit use of Flunitrazepam, it is not appropriate to accomplish this by changing the schedule in which the drug is classified. Flunitrazepam does not fit the criteria for classification in Schedule II.

Testified: PRO: Senator Fairley, prime sponsor; Don Williams, Board of Pharmacy; Barry Logan, State Toxicologist; Deborah Ruggles, Washington Coalition of Sexual Assault Programs; CON: Susie Tracy, WSMA, Hoffman LaRoche Pharmaceuticals; John Christensen, Hoffman LaRoche Pharmaceuticals.