

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

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February 28, 2002

Dan Rossmiller:

The treatment of GBL and 1,4-BD in this amendment is different from the treatment of these substances under federal law. Under federal law, a drug may be designated as a “controlled substance” or as a “listed chemical.” Federal law prohibits the manufacture, distribution, or possession of controlled substances, except by certain persons. However, under federal law, activities related to listed chemicals are regulated rather than prohibited. In 2000, the federal government designated GHB as a controlled substance and designated GBL as a listed chemical. (See 65 FR 13235–13238 and 65 FR 21645–21647.) Federal law does not designate 1,4-BD as either a controlled substance or a listed chemical. In addition, the federal government suggested in supplementary material to the April 24, 2000, federal rule concerning GBL that GBL and 1,4-BD could possibly be treated as analogs of GHB for purposes of prosecution. (See 65 FR 21645–21467.) Under Wisconsin law, the manufacture, distribution, and possession of an analog of a controlled substance is prohibited.

In order to be consistent with federal law, you may wish to remove GBL from the controlled substances schedule and leave 1,4-BD off the controlled substances schedule. Please note that, as treated in the amendment, GBL and 1,4-BD are the only substances for which there is a qualifier stating that the substances are only controlled if intended for human ingestion.

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