

[SPEAKERS](#)

[CONTENTS](#)

[INSERTS](#)

[Page 1](#)

[TOP OF DOC](#)

62-309

2000

CONTROLLED AND UNCONTROLLED SUBSTANCES USED TO COMMIT DATE RAPE

HEARING

BEFORE THE

SUBCOMMITTEE ON CRIME

OF THE

COMMITTEE ON THE JUDICIARY

HOUSE OF REPRESENTATIVES

ONE HUNDRED FIFTH CONGRESS

SECOND SESSION

ON

H.R. 1530

JULY 30, 1998

Serial No. 151

[Page 2](#)

[PREV PAGE](#)

[TOP OF DOC](#)

Printed for the use of the Committee on the Judiciary

For sale by the U.S. Government Printing Office

Superintendent of Documents, Congressional Sales Office, Washington, DC 20402

COMMITTEE ON THE JUDICIARY

HENRY J. HYDE, Illinois, *Chairman*

F. JAMES SENSENBRENNER, Jr., Wisconsin

BILL McCOLLUM, Florida

GEORGE W. GEKAS, Pennsylvania

HOWARD COBLE, North Carolina

LAMAR SMITH, Texas

ELTON GALLEGLY, California

CHARLES T. CANADY, Florida

BOB INGLIS, South Carolina

BOB GOODLATTE, Virginia

STEPHEN E. BUYER, Indiana

ED BRYANT, Tennessee

http://commdocs.house.gov/committees/judiciary/hju62309.000/hju62309_0.htm

STEVE CHABOT, Ohio
BOB BARR, Georgia
WILLIAM L. JENKINS, Tennessee
ASA HUTCHINSON, Arkansas
EDWARD A. PEASE, Indiana
CHRIS CANNON, Utah

[Page 3](#)

[PREV PAGE](#)

[TOP OF DOC](#)

JAMES E. ROGAN, California
LINDSEY O. GRAHAM, South Carolina
MARY BONO, California

JOHN CONYERS, Jr., Michigan
BARNEY FRANK, Massachusetts
CHARLES E. SCHUMER, New York
HOWARD L. BERMAN, California
RICK BOUCHER, Virginia
JERROLD NADLER, New York
ROBERT C. SCOTT, Virginia
MELVIN L. WATT, North Carolina
ZOE LOFGREN, California
SHEILA JACKSON LEE, Texas
MAXINE WATERS, California
MARTIN T. MEEHAN, Massachusetts
WILLIAM D. DELAHUNT, Massachusetts
ROBERT WEXLER, Florida
STEVEN R. ROTHMAN, New Jersey

THOMAS E. MOONEY, *Chief of Staff-General Counsel*
JULIAN EPSTEIN, *Minority Staff Director*

Subcommittee on Crime
BILL McCOLLUM, Florida, *Chairman*

[Page 4](#)

[PREV PAGE](#)

[TOP OF DOC](#)

STEPHEN E. BUYER, Indiana
STEVE CHABOT, Ohio
BOB BARR, Georgia
ASA HUTCHINSON, Arkansas
GEORGE W. GEKAS, Pennsylvania
HOWARD COBLE, North Carolina
JAMES E. ROGAN, California
LINDSEY O. GRAHAM, South Carolina

CHARLES E. SCHUMER, New York
SHEILA JACKSON LEE, Texas
MARTIN T. MEEHAN, Massachusetts
ROBERT WEXLER, Florida
STEVEN R. ROTHMAN, New Jersey

PAUL J. MCNULTY, *Chief Counsel*
GLENN R. SCHMITT, *Counsel*
DANIEL J. BRYANT, *Counsel*
NICOLE R. NASON, *Counsel*
MELANIE SLOAN, *Minority Counsel*

CONTENTS

HEARING DATE
July 30, 1998

[Page 5](#)

[PREV PAGE](#)

[TOP OF DOC](#)

TEXT OF BILL

H.R. 1530

OPENING STATEMENT

McCollon, Bill, a Representative in Congress from the State of Florida, chairman Subcommittee on Crime

WITNESSES

Carter, Joye M., M.D., Chief Medical Examiner, Joseph A. Jachimczyk Forensic Center, Houston, TX

Doering, Paul, Professor, Department of Pharmacy Practice, University of Florida

Farias, Raul, LaPorte, TX

King, John H., III, Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, U.S. Department of Justice

Stevens, Michael, Detective, Undercover Drug Investigations, Orlando Police Department, Orlando, FL

[Page 6](#)

[PREV PAGE](#)

[TOP OF DOC](#)

LETTERS, STATEMENTS, ETC., SUBMITTED FOR THE HEARING

Carter, Joye M., M.D., Chief Medical Examiner, Joseph A. Jachimczyk Forensic Center, Houston, TX: Prepared statement

King, John H., III, Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, U.S. Department of Justice: Prepared statement

Porrata, Trinka: Article entitled "Gamma Hydroxy Butyrate, Old Drug—New Tricks"

Ronald, Ken, Chief, Congressional Affairs, Drug Enforcement Administration, U.S. Dept. of Justice: Letter to Dan Bryant, Counsel, Subcommittee on Crime, House Judiciary Committee, dated August 31, 1998

Stevens, Michael, Detective, Undercover Drug Investigations, Orlando Police Department, Orlando, FL: Prepared statement

APPENDIX

Material submitted for the record

CONTROLLED AND UNCONTROLLED SUBSTANCES USED TO COMMIT DATE RAPE

THURSDAY, JULY 30, 1998

[Page 7](#)

[PREV PAGE](#)

[TOP OF DOC](#)

House of Representatives,
Subcommittee on Crime,
Committee on the Judiciary,
Washington, DC.

The subcommittee met, pursuant to call, at 2:08 p.m., in Room 2237, Rayburn House Office Building, Hon. Bill McCollum [chairman of the subcommittee] presiding.

Present: Representatives Bill McCollum, Steve Chabot, Bob Barr, Asa Hutchinson, Howard Coble, and Sheila Jackson Lee.

Staff Present: Paul J. McNulty, Chief Counsel; Daniel J. Bryant, Counsel; Nicole R. Nason, Counsel; Veronica Eligan, Clerk; and Melanie Sloan, Minority Counsel.

OPENING STATEMENT OF CHAIRMAN McCOLLUM

Mr. **MCCOLLUM**. The Subcommittee on Crime will come to order.

In the 104th Congress we addressed the devastating and cowardly crime of drug-induced rape when we passed the Drug-Induced Rape Prevention and Punishment Act. By increasing the penalties for the abuse and use of flunitrazepam, I hoped we had given some measure of protection to young women, particularly college students, who were unaware of the dangers of drug-induced rape. Despite our best efforts, however, new drugs which have similar properties as the old flunitrazepam formula are popping up at nightclubs and college campuses nationwide. Unfortunately, they are beginning to gain real popularity.

[Page 8](#)

[PREV PAGE](#)

[TOP OF DOC](#)

The Associated Press reported yesterday that two Penn State students were rushed to a local hospital after intentionally ingesting gamma hydroxybutyrate, popularly known as GHB. The director of the University's Office of Student Health Services was particularly upset, since Penn State's students are warned about potential date rape drugs at orientation. GHB is one of the drugs discussed at that

orientation, and yet the message clearly did not get through.

In its liquid form, GHB is sold by the capful for about \$10. It can also be ingested in powder form. Either way, it dissolves quickly in alcohol and can take effect within 15 minutes. GHB can cause vomiting, dizziness, tremors and seizures, and victims frequently lapse into unconsciousness and require hospitalization. Although it was banned in the United States by the FDA in 1990, the Drug Enforcement Administration has received reports of GHB being used to incapacitate victims before the commission of a sexual assault.

How then are young students getting their hands on a drug which is banned in the United States? The answer is the Internet. Once again, the Internet is being manipulated by those who would take advantage of its wide accessibility and protections of anonymity.

The instructions for concocting GHB abound on the web, which is extremely dangerous since the drug can be manufactured at home with a few simple products available from hardware stores and specialty foods stores. Some sites even offer the visitors an opportunity to purchase any items which they may not be able to obtain locally. Unfortunately, this information is usually inaccurate and misleading. One particularly sinister web site even noted that GHB was very effective as a precursor for sex since it lowered a woman's inhibitions. To me this sounds like a direct invitation for date rape.

[Page 9](#)

[PREV PAGE](#)

[TOP OF DOC](#)

Like flunitrazepam, I am certain that GHB does have some valuable medical uses. I am aware that the FDA allows certain physician-supervised GHB studies to continue in the United States, and we certainly do not want to overreact to the issue.

The same is true of other drugs which we may be discussing here today, such as the drug ketamine hydrochloride, known on the street as "Special K". The abuse of ketamine is clearly on the rise. It has been coupled in the media with the crime of drug-induced date rape, but little evidence exists thus far to associate it with that hideous act. There may be persons who could benefit greatly from the use of GHB or ketamine, and, as I always hope, this hearing will provide us with some opportunity to learn more about these drugs.

We all know rape is a crime of power in which the aggressor tries to exert control over the victim through the sexual assault. It is one of the worst crimes which can be committed, and yet, astonishingly, the criminal element in our society has found a way to make it even worse. Rape becomes even more cowardly when the victim is incapacitated through the surreptitious use of drugs.

Today we will hear some tragic stories about the misuse of GHB and ketamine. We will also discuss the abuse of flunitrazepam in the United States since the passage of our legislation in the last Congress. I certainly hope that the DEA has some good news to offer regarding what effects the passage of that act had on the incidents of drug-induced rape.

I want to particularly thank the gentlewoman from Texas, Ms. Jackson Lee, for her unyielding commitment to this important issue. She is a dedicated member of this subcommittee, and I know this hearing is very significant for her.

[Page 10](#)

[PREV PAGE](#)

[TOP OF DOC](#)

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.