

2C:35-1.2

LEGISLATIVE HISTORY CHECKLIST
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(Anabolic steroids--criminal penalties)

NJSA: 2C:35-1.2

LAWS OF: 1989 **CHAPTER:** 335

BILL NO: A4224

SPONSOR(S) Girgenti and Shusted

DATE INTRODUCED: February 16, 1989

COMMITTEE: **ASSEMBLY:** Judiciary
SENATE: ---

AMENDED DURING PASSAGE: Yes Assembly Committee Substitute (1R)

DATE OF PASSAGE: **ASSEMBLY:** May 19, 1989
SENATE: June 19, 1989

DATE OF APPROVAL: January 12, 1990

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes
SENATE: No

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBG:pp

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[FIRST REPRINT]
ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 4224

STATE OF NEW JERSEY

ADOPTED MARCH 20, 1989

Sponsored by Assemblymen GIRGENTI and SHUSTED

1 AN ACT concerning anabolic steroids, amending
2 ¹[N.J.S.2C:35-2,]¹ P.L.1962, c.113 ¹[and P.L.1970, c.226]¹ and
3 supplementing Title 2C of the New Jersey Statutes and
4 P.L.1970, c.226.

5
6 BE IT ENACTED *by the Senate and General Assembly of the*
7 *State of New Jersey:*

8 ¹[1. Section 2 of P.L.1970, c.226 (C.24:21-2) is amended to
9 read as follows:

10 2. Definitions. As used in this act:
11 "Administer" means the direct application of a controlled
12 dangerous substance, whether by injection, inhalation, ingestion,
13 or any other means, to the body of a patient or research subject
14 by: (1) a practitioner (or, in his presence, by his lawfully
15 authorized agent), or (2) the patient or research subject at the
16 lawful direction and in the presence of the practitioner.

17 "Agent" means an authorized person who acts on behalf of or
18 at the direction of a manufacturer, distributor, or dispenser but
19 does not include a common or contract carrier, public
20 warehouseman, or employee thereof.

21 "Anabolic steroid" means a material, compound, mixture, or
22 preparation that contains an anabolic steroid or an immediate
23 steroid precursor that includes any of the following:

- 24 Chorionic gonadotrophin
- 25 Clostebol
- 26 Dehydrochlormethyltestosterone
- 27 Ethylestrenol
- 28 Fluoxymesterone
- 29 Mesterolone
- 30 Metenolone
- 31 Methandienone

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in the
above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.
Matter enclosed in superscript numerals has been adopted as follows:
¹ Senate floor amendments adopted June 15, 1989.

- 1 Methandro stenolone
- Methyltestosterone
- 3 Nandrolone decanoate
- Nandrolone phenpropionate
- 5 Norethandrolone
- Oxandrolone
- 7 Oxymesterone
- Oxymetholone
- 9 Stanozolol
- Testosterone propionate
- 11 Testosterone-like related compounds

13 "Bureau of Narcotics and Dangerous Drugs" means the Bureau
of Narcotics and Dangerous Drugs, United States Department of
Justice.

15 "Commissioner" means the State Commissioner of Health.

17 "Controlled dangerous substance" means a drug, substance, or
immediate precursor in Schedules I through V of article 2 of this
act. The term shall not include distilled spirits, wine, malt
19 beverages, as those terms are defined or used in R.S.33:1-1 et
seq., or tobacco and tobacco products.

21 "Counterfeit substance" means a controlled dangerous
substance which, or the container or labeling of which, without
23 authorization, bears the trademark, trade name, or other
identifying mark, imprint, number or device, or any likeness
25 thereof, of a manufacturer, distributor, or dispenser other than
the person or persons who in fact manufactured, distributed or
27 dispensed such substance and which thereby falsely purports or is
represented to be the product of, or to have been distributed by,
29 such other manufacturer, distributor, or dispenser.

31 "Deliver" or "delivery" means the actual, constructive, or
attempted transfer from one person to another of a controlled
dangerous substance, whether or not there is an agency
33 relationship.

35 "Dispense" means to deliver a controlled dangerous substance
to an ultimate user or research subject by or pursuant to the
lawful order of a practitioner, including the prescribing,
37 administering, packaging, labeling, or compounding necessary to
prepare the substance for that delivery. "Dispenser" means a
39 practitioner who dispenses.

1 "Distribute" means to deliver other than by administering or
dispensing a controlled dangerous substance. "Distributor" means
3 a person who distributes.

"Drugs" means (a) substances recognized in the official United
5 States Pharmacopoeia, official Homeopathic Pharmacopoeia of
the United States, or official National Formulary, or any
7 supplement to any of them; and (b) substances intended for use in
the diagnosis, cure, mitigation, treatment, or prevention of
9 disease in man or other animals; and (c) substances (other than
food) intended to affect the structure or any function of the body
11 of man or other animals; and (d) substances intended for use as a
component of any article specified in subsections (a), (b) and (c)
13 of this section; but does not include devices or their components,
parts or accessories.

15 "Drug dependent person" means a person who is using a
controlled dangerous substance and who is in a state of psychic or
17 physical dependence, or both, arising from the use of that
controlled dangerous substance on a continuous basis. Drug
19 dependence is characterized by behavioral and other responses,
including but not limited to a strong compulsion to take the
21 substance on a recurring basis in order to experience its psychic
effects, or to avoid the discomfort of its absence. "Hashish"
23 means the resin extracted from any part of the plant Genus
Cannabis L. and any compound, manufacture, salt, derivative,
25 mixture, or preparation of such resin.

"Marijuana" means all parts of the plant Genus Cannabis L.,
27 whether growing or not; the seeds thereof; and every compound,
manufacture, salt, derivative, mixture, or preparation of such
29 plant or its seeds, except those containing resin extracted from
such plant; but shall not include the mature stalks of such plant,
31 fiber produced from such stalks, oil or cake made from the seeds
of such plant, any other compound, manufacture, salt, derivative,
33 mixture, or preparation of such mature stalks, fiber, oil, or cake,
or the sterilized seed of such plant which is incapable of
35 germination.

"Manufacture" means the production, preparation, propagation,
37 compounding, conversion or processing of a controlled dangerous
substance, either directly or by extraction from substances of
39 natural origin, or independently by means of chemical synthesis,

1 or by a combination of extraction and chemical synthesis, and
includes any packaging or repackaging of the substance or
3 labeling or relabeling of its container, except that this term does
not include the preparation or compounding of a controlled
5 dangerous substance by an individual for his own use or the
preparation, compounding, packaging, or labeling of a controlled
7 dangerous substance: (1) by a practitioner as an incident to his
administering or dispensing of a controlled dangerous substance in
9 the course of his professional practice, or (2) by a practitioner (or
under his supervision) for the purpose of, or as an incident to,
11 research, teaching, or chemical analysis and not for sale.

"Narcotic drug" means any of the following, whether produced
13 directly or indirectly by extraction from substances of vegetable
origin, or independently by means of chemical synthesis, or by a
15 combination of extraction and chemical synthesis:

- (a) Opium, coca leaves, and opiates;
- 17 (b) A compound, manufacture, salt, derivative, or preparation
of opium, coca leaves, or opiates;
- 19 (c) A substance (and any compound, manufacture, salt,
derivative, or preparation thereof) which is chemically identical
21 with any of the substances referred to in subsections (a) and (b),
except that the words "narcotic drug" as used in this act shall not
23 include decocainized coca leaves or extracts of coca leaves,
which extracts do not contain cocaine or ecgonine.

25 "Official written order" means an order written on a form
provided for that purpose by the Attorney General of the United
27 States or his delegate, under any laws of the United States
making provisions therefor, if such order forms are authorized
29 and required by the federal law, and if no such form is provided,
then on an official form provided for that purpose by the State
31 Department of Health.

"Opiate" means any dangerous substance having an
33 addiction-forming or addiction-sustaining liability similar to
morphine or being capable of conversion into a drug having such
35 addiction-forming or addiction-sustaining liability. It does not
include, unless specifically designated as controlled under section
37 3 of this act, the dextrorotatory isomer of
3-methoxy-n-methylmorphinan and its salts (dextromethorphan).
39 It does include its racemic and levorotatory forms.

1 "Opium poppy" means the plant of the species *Papaver*
2 *somniferum* L., except the seeds thereof.

3 "Person" means any corporation, association, partnership,
4 trust, other institution or entity or one or more individuals.

5 "Pharmacist" means a registered pharmacist of this State.

6 "Pharmacy owner" means the owner of a store or other place
7 of business where controlled dangerous substances are
8 compounded or dispensed by a registered pharmacist; but nothing
9 in this chapter contained shall be construed as conferring on a
10 person who is not registered or licensed as a pharmacist any
11 authority, right or privilege that is not granted to him by the
12 pharmacy laws of this State.

13 "Poppy straw" means all parts, except the seeds, of the opium
14 poppy, after mowing.

15 "Practitioner" means a physician, dentist, veterinarian,
16 scientific investigator, laboratory, pharmacy, hospital or other
17 person licensed, registered, or otherwise permitted to distribute,
18 dispense, conduct research with respect to, or administer a
19 controlled dangerous substance in the course of professional
20 practice or research in this State.

21 (a) "Physician" means a physician authorized by law to
22 practice medicine in this or any other state and any other person
23 authorized by law to treat sick and injured human beings in this
24 or any other state and

25 (b) "Veterinarian" means a veterinarian authorized by law to
26 practice veterinary medicine in this State.

27 (c) "Dentist" means a dentist authorized by law to practice
28 dentistry in this State.

29 (d) "Hospital" means any federal institution, or any institution
30 for the care and treatment of the sick and injured, operated or
31 approved by the appropriate State department as proper to be
32 entrusted with the custody and professional use of controlled
33 dangerous substances.

34 (e) "Laboratory" means a laboratory to be entrusted with the
35 custody of narcotic drugs and the use of controlled dangerous
36 substances for scientific, experimental and medical purposes and
37 for purposes of instruction approved by the State Department of
38 Health.

39 "Production" includes the manufacture, planting, cultivation,

1 growing, or harvesting of a controlled dangerous substance.

2 "Immediate precursor" means a substance which the State
3 Department of Health has found to be and by regulation
4 designates as being the principal compound commonly used or
5 produced primarily for use, and which is an immediate chemical
6 intermediary used or likely to be used in the manufacture of a
7 controlled dangerous substance, the control of which is necessary
8 to prevent, curtail, or limit such manufacture.

9 "Immediate steroid precursor" means a substance which the
10 State Department of Health has found to be and by regulation
11 designates as being the principal compound commonly used or
12 produced primarily for use, and which is an immediate chemical
13 intermediary used or likely to be used in the manufacture of an
14 anabolic steroid, the control of which is necessary to prevent,
15 curtail, or limit such manufacture.

"State" means the State of New Jersey.

17 "Ultimate user" means a person who lawfully possesses a
18 controlled dangerous substance for his own use or for the use of a
19 member of his household or for administration to an animal
20 owned by him or by a member of his household.

21 (cf: P.L.1985, c.134, s.1)]¹

¹1. (New section) As used in this act:

23 a. "Anabolic steroid" means a material, compound, mixture, or
24 preparation that contains an anabolic steroid or an immediate
25 precursor that includes any of the following:

Chorionic gonadotrophin

27 Clostebol

Dehydrochlormethyltestosterone

29 Ethylestrenol

Fluoxymesterone

31 Mesterolone

Metenolone

33 Methandienone

Methandro stenolone

35 Methyltestosterone

Nandrolone decanoate

37 Nandrolone phenpropionate

Norethandrolone

39 Oxandrolone

1 Oxymesterone

Oxymetholone

3 Stanozolol

Testosterone propionate

5 Testosterone-like related compounds

b. "Practitioner" means a physician, dentist, veterinarian,
7 scientific investigator, laboratory, pharmacy, hospital or other
person licensed, registered, or otherwise permitted to distribute,
9 dispense, conduct research with respect to, or administer an
anabolic steroid or immediate precursor in the course of
11 professional practice or research in this State.

c. "Immediate precursor" means a substance which the State
13 Department of Health has found to be and by regulation
designates as being the principal compound commonly used or
15 produced primarily for use, and which is an immediate chemical
intermediary used or likely to be used in the manufacture of an
17 anabolic steroid, the control of which is necessary to prevent,
curtail, or limit such manufacture.¹

19 ¹[2. Section 3 of P.L.1970, c.226 (C.24:21-3) is amended to
read as follows:

21 3. a. The commissioner shall administer the provisions of this
act and may add substances to or delete or reschedule all
23 substances enumerated in the schedules in sections 5 through 8 of
this act. In determining whether to control a substance, the
25 commissioner shall consider the following:

- 27 (1) Its actual or relative potential for abuse;
- (2) Scientific evidence of its pharmacological effect, if known;
- (3) State of current scientific knowledge regarding the
29 substance;
- (4) Its history and current pattern of abuse;
- 31 (5) The scope, duration, and significance of abuse;
- (6) What, if any, risk there is to the public health;
- 33 (7) Its psychic or physiological dependence liability; and
- (8) Whether the substance is an immediate precursor of a
35 substance already controlled under this article.

 After considering the above factors, the commissioner shall
37 make findings with respect thereto and shall issue an order
controlling the substance if he finds that the substance has a
39 potential for abuse.

1 b. If the commissioner designates a substance as an immediate
precursor, substances which are precursors of the controlled
3 precursor shall not be subject to control solely because they are
precursors of the controlled precursor.

5 c. If any substance is designated, rescheduled or deleted as a
controlled dangerous substance under Federal law and notice
7 thereof is given to the commissioner, the commissioner shall
similarly control the substance under this act after the expiration
9 of 30 days from publication in the Federal Register of a final
order designating a substance as a controlled dangerous substance
11 or rescheduling or deleting a substance, unless within that 30-day
period, the commissioner objects to inclusion, rescheduling, or
13 deletion. In that case, the commissioner shall cause to be
published in the New Jersey Register and made public the reasons
15 for his objection and shall afford all interested parties an
opportunity to be heard. At the conclusion of any such hearing,
17 the commissioner shall publish and make public his decision,
which shall be final unless the substance is specifically otherwise
19 dealt with by an act of the Legislature. Upon publication of
objection to inclusion or rescheduling under this act by the
21 commissioner, control of such substance under this section shall
automatically be stayed until such time as the commissioner
23 makes public his final decision.

The Commissioner of Health may by regulation exclude any
25 nonnarcotic substance from a schedule if such substance may,
under the provisions of Federal or State law, be lawfully sold over
27 the counter without a prescription, unless otherwise controlled
pursuant to rules and regulations promulgated by the department.

29 d. The State Department of Health shall update and republish
the schedules in sections 5 through 8 on a semiannual basis for 2
31 years from the effective date of this act and thereafter on an
annual basis.

33 e. The commissioner may by regulation add substances to or
delete substances from the definition of anabolic steroids.

35 (cf: P.L.1970, c. 226, s.3)]¹

37 ¹2. (New section) It is unlawful for any person who is not a
practitioner acting in the course of his professional practice to
knowingly or purposely manufacture, distribute or dispense, or to
39 possess or have under his control with intent to manufacture,

1 distribute or dispense, an anabolic steroid or immediate
2 precursor. Any person who violates this section shall be guilty of
3 a crime of the third degree.¹

4 ¹3. (New section) It is unlawful for any person, knowingly or
5 purposely, to obtain, or to possess, actually or constructively, an
6 anabolic steroid or immediate precursor, unless the substance was
7 obtained directly, or pursuant to a valid prescription or order
8 form from a practitioner, while acting in the course of his
9 professional practice. Any person who violates this section is
10 guilty of a crime of the fourth degree.¹

11 ¹[3.] 4.¹ (New section) The Commissioner of Health shall
12 conduct a study on the feasibility of including anabolic steroids in
13 the schedules of controlled dangerous substances set forth in
14 sections 5 through 8 of P.L.1970, c.226 (C.24:21-5 through
15 24:21-8) and section 4 of P.L.1971, c.3 (C.24:21-8.1). In
16 determining whether to include anabolic steroids in such
17 schedules, the commissioner shall consider the actual or relative
18 potential for abuse of these substances; scientific evidence of
19 their pharmacological effects; the state of current scientific
20 knowledge regarding them; the history and current pattern of
21 abuse; what, if any, risk there is to the public health, and the
22 psychic or physiological dependence liability of these substances.
23 The commissioner shall report to the Legislature and the
24 Governor the results of the study not later than nine months after
25 the effective date of this act.

26 ¹[4. N.J.S.2C:35-2 is amended to read as follows:
27 2C:35-2. Definitions.

28 As used in this chapter:

29 "Administer" means the direct application of a controlled
30 dangerous substance or controlled substance analog, whether by
31 injection, inhalation, ingestion, or any other means, to the body
32 of a patient or research subject by: (1) a practitioner (or, in his
33 presence, by his lawfully authorized agent), or (2) the patient or
34 research subject at the lawful direction and in the presence of
35 the practitioner.

36 "Agent" means an authorized person who acts on behalf of or
37 at the direction of a manufacturer, distributor, or dispenser but
38 does not include a common or contract carrier, public
39 warehouseman, or employee thereof.

1 "Anabolic steroid" means a material, compound, mixture, or
2 preparation that contains an anabolic steroid or an immediate
3 steroid precursor that includes any of the following:

4 Chorionic gonadotrophin

5 Clostebol

6 Dehydrochlormethyltestosterone

7 Ethylestrenol

8 Fluoxymesterone

9 Mesterolone

10 Metenolone

11 Methandienone

12 Methandro stenolone

13 Methyltestosterone

14 Nandrolone decanoate

15 Nandrolone phenpropionate

16 Norethandrolone

17 Oxandrolone

18 Oxymesterone

19 Oxymetholone

20 Stanozolol

21 Testosterone propionate

22 Testosterone-like related compounds

23 "Controlled dangerous substance" means a drug, substance, or
24 immediate precursor in Schedules I through V. The term shall not
25 include distilled spirits, wine, malt beverages, as those terms are
26 defined or used in R.S.33:1-1 et seq., or tobacco and tobacco
27 products. The term, wherever it appears in any law or
28 administrative regulation of this State, shall include controlled
29 substance analogs.

30 "Controlled substance analog" means a substance that has a
31 chemical structure substantially similar to that of a controlled
32 dangerous substance and that was specifically designed to
33 produce an effect substantially similar to that of a controlled
34 dangerous substance. The term shall not include a substance
35 manufactured or distributed in conformance with the provisions
36 of an approved new drug application or an exemption for
37 investigational use within the meaning of section 505 of the
38 "Federal Food, Drug and Cosmetic Act," 52 Stat. 1052 (21 U.S.C.
39 § 355).

1 "Counterfeit substance" means a controlled dangerous
substance or controlled substance analog which, or the container
3 or labeling of which, without authorization, bears the trademark,
trade name, or other identifying mark, imprint, number or device,
5 or any likeness thereof, of a manufacturer, distributor, or
dispenser other than the person or persons who in fact
7 manufactured, distributed or dispensed such substance and which
thereby falsely purports or is represented to be the product of, or
9 to have been distributed by, such other manufacturer, distributor,
or dispenser.

11 "Deliver" or "delivery" means the actual, constructive, or
attempted transfer from one person to another of a controlled
13 dangerous substance or controlled substance analog, whether or
not there is an agency relationship.

15 "Dispense" means to deliver a controlled dangerous substance
or controlled substance analog to an ultimate user or research
17 subject by or pursuant to the lawful order of a practitioner,
including the prescribing, administering, packaging, labeling, or
19 compounding necessary to prepare the substance for that
delivery. "Dispenser" means a practitioner who dispenses.

21 "Distribute" means to deliver other than by administering or
dispensing a controlled dangerous substance or controlled
23 substance analog. "Distributor" means a person who distributes.

"Drugs" means (a) substances recognized in the official United
25 States Pharmacopoeia, official Homeopathic Pharmacopoeia of
the United States, or official National Formulary, or any
27 supplement to any of them; and (b) substances intended for use in
the diagnosis, cure, mitigation, treatment, or prevention of
29 disease in man or other animals; and (c) substances (other than
food) intended to affect the structure or any function of the body
31 of man or other animals; and (d) substances intended for use as a
component of any article specified in subsections (a), (b) and (c)
33 of this section; but does not include evices or their components,
parts or accessories.

35 "Drug dependent person" means a person who is using a
controlled dangerous substance or controlled substance analog
37 and who is in a state of psychic or physical dependence, or both,
arising from the use of that controlled dangerous substance or
39 controlled substance analog on a continuous basis. Drug

1 dependence is characterized by behavioral and other responses,
including but not limited to a strong compulsion to take the
3 substance on a recurring basis in order to experience its psychic
effects, or to avoid the discomfort of its absence.

5 "Hashish" means the resin extracted from any part of the plant
Genus Cannabis L. and any compound, manufacture, salt,
7 derivative, mixture, or preparation of such resin.

"Manufacture" means the production, preparation, propagation,
9 compounding, conversion or processing of a controlled dangerous
substance or controlled substance analog, either directly or by
11 extraction from substances of natural origin, or independently by
means of chemical synthesis, or by a combination of extraction
13 and chemical synthesis, and includes any packaging or
repackaging of the substance or labeling or relabeling of its
15 container, except that this term does not include the preparation
or compounding of a controlled dangerous substance or controlled
17 substance analog by an individual for his own use or the
preparation, compounding, packaging, or labeling of a controlled
19 dangerous substance: (1) by a practitioner as an incident to his
administering or dispensing of a controlled dangerous substance
21 or controlled substance analog in the course of his professional
practice, or (2) by a practitioner (or under his supervision) for the
23 purpose of, or as an incident to, research, teaching, or chemical
analysis and not for sale.

25 "Marijuana" means all parts of the plant Genus Cannabis L.,
whether growing or not; the seeds thereof, and every compound,
27 manufacture, salt, derivative, mixture, or preparation of such
plant or its seeds, except those containing resin extracted from
29 such plant; but shall not include the mature stalks of such plant,
fiber produced from such stalks, oil or cake made from the seeds
31 of such plant, any other compound, manufacture, salt, derivative,
mixture, or preparation of such mature stalks, fiber, oil, or cake,
33 or the sterilized seed of such plant which is incapable of
germination.

35 "Narcotic drug" means any of the following, whether produced
directly or indirectly by extraction from substances of vegetable
37 origin, or independently by means of chemical synthesis, or by a
combination of extraction and chemical synthesis: (a) Opium,
39 coca leaves, and opiates; (b) A compound, manufacture, salt,

1 derivative, or preparation of opium, coca leaves, or opiates; (c)
2 A substance (and any compound, manufacture, salt, derivative, or
3 preparation thereof) which is chemically identical with any of the
4 substances referred to in subsections (a) and (b), except that the
5 words "narcotic drug" as used in this act shall not include
6 decocainized coca leaves or extracts of coca leaves, which
7 extracts do not contain cocaine or ecogine.

"Opiate" means any dangerous substance having an
8 addiction-forming or addiction-sustaining liability similar to
9 morphine or being capable of conversion into a drug having such
10 addiction-forming or addiction-sustaining liability. It does not
11 include, unless specifically designated as controlled pursuant to
12 the provisions of section 3 of P.L.1970, c.226 (C.24:21-3), the
13 dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its
14 salts (dextromethorphan). It does include its racemic and
15 levorotatory forms.

16 "Opium poppy" means the plant of the species *Papaver*
17 *somniferum* L., except the seeds thereof.

18 "Person" means any corporation, association, partnership,
19 trust, other institution or entity or one or more individuals.

20 "Poppy straw" means all parts, except the seeds, of the opium
21 poppy, after mowing.

22 "Practitioner" means a physician, dentist, veterinarian,
23 scientific investigator, laboratory, pharmacy, hospital or other
24 person licensed, registered, or otherwise permitted to distribute,
25 dispense, conduct research with respect to, or administer a
26 controlled dangerous substance or controlled substance analog in
27 the course of professional practice or research in this State. (a)

28 "Physician" means a physician authorized by law to practice
29 medicine in this or any other state and any other person
30 authorized by law to treat sick and injured human beings in this
31 or any other state and (b) "Veterinarian" means a veterinarian
32 authorized by law to practice veterinary medicine in this State.

(c) "Dentist" means a dentist authorized by law to practice
33 dentistry in this State. (d) "Hospital" means any federal
34 institution, or any institution for the care and treatment of the
35 sick and injured, operated or approved by the appropriate State
36 department as proper to be entrusted with the custody and
37 professional use of controlled dangerous substances or controlled
38

1 substance analogs. (e) "Laboratory" means a laboratory to be
entrusted with the custody of narcotic drugs and the use of
3 controlled dangerous substances or controlled substance analogs
for scientific, experimental and medical purposes and for
5 purposes of instruction approved by the State Department of
Health.

7 "Production" includes the manufacture, planting, cultivation,
growing, or harvesting of a controlled dangerous substance or
9 controlled substance analog.

"Immediate precursor" means a substance which the State
11 Department of Health has found to be and by regulation
designates as being the principal compound commonly used or
13 produced primarily for use, and which is an immediate chemical
intermediary used or likely to be used in the manufacture of a
15 controlled dangerous substance or controlled substance analog,
the control of which is necessary to prevent, curtail, or limit such
17 manufacture.

"Immediate steroid precursor" means a substance which the
19 State Department of Health has found to be and by regulation
designates as being the principal compound commonly used or
21 produced primarily for use, and which is an immediate chemical
intermediary used or likely to be used in the manufacture of an
23 anabolic steroid, the control of which is necessary to prevent,
curtail, or limit such manufacture.

25 "Residential treatment facility" means any facility approved
by any county probation department for the inpatient treatment
27 and rehabilitation of drug dependent persons.

"Schedules I, II, III, IV, and V" are the schedules set forth in
29 sections 5 through 8 of P.L.1970, c.226 (C.24:21-5 through
24:21-8) and in section 4 of P.L.1971, c.3 (C.24:21-8.1) and as
31 modified by any regulations issued by the Commissioner of Health
pursuant to his authority as provided in section 3 of P.L.1970,
33 c.226 (C.24:21-3).

"State" means the State of New Jersey.

35 "Ultimate user" means a person who lawfully possesses a
controlled dangerous substance or controlled substance analog for
37 his own use or for the use of a member of his household or for
administration to an animal owned by him or by a member of his
39 household.

(cf: N.J.S.2C:35-2)]¹

1 5. (New section) ¹[It is unlawful for any person who is not a
3 knowingly or purposely distribute or dispense, or to possess or
5 have under his control with intent to distribute or dispense, an
7 anabolic steroid or immediate steroid precursor. Any person who
9 violates this section shall be guilty of a crime of the fourth
11 degree.] The commissioner may add substances to or delete
13 substances from the definition of anabolic steroids set forth in
section 1 of P.L. c. (C.) (now pending before the
Legislature as this bill), and shall promulgate rules and
regulations in accordance with the "Administrative Procedure
Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate the
purposes of this act.¹

15 ^{16.} Section 1 of P.L.1962, c.113 (C.2A:170-77.8) is amended to
read as follows:

17 1. Except as hereinafter provided, any person who uses or is
19 under the influence of, or who possesses or has under his control,
21 in any form, any prescription legend drug which is not a narcotic,
23 depressant or stimulant drug [or], anabolic steroid as defined in
section 1 of P.L. c. (C.) (now pending before the
Legislature as this bill), or controlled dangerous substance [within
the meaning of existing law] as defined in N.J.S.2C:35-2 or
section 2 of P.L.1970, c.226 (C.24:21-1 et seq.) or any
stramonium preparation, unless obtained from, or on a valid
prescription of, a duly licensed physician, veterinarian or dentist,
is a disorderly person.

27 In a prosecution under this act, it shall not be necessary for the
29 State to prove that the accused did use or was under the
31 influence of any specific drug or drugs except for stramonium
33 preparations, but it shall be sufficient for a conviction under this
act for the State to prove that the accused did use or was under
the influence of some drug or drugs as aforesaid by proving that
the accused did manifest physical and physiological symptoms or
reactions caused by the use of any such drug.

35 As used in this act, "stramonium preparation" means a
37 preparation prepared from the leaves, seeds, or any other part of
the stramonium plant in the form of a powder, pipe mixture,
cigarette, or any other form, with or without admixture of other
39 ingredients. "Stramonium plant" means the plant *Datura*

1 Stramonium Linne, including Datura Tatula Linne.¹

(cf: P.L.1981, c.441, s.1)

3 ¹[6.] 7.¹ Section 2 of P.L.1962, c.113 (C.2A:170-77.9) is amended to read as follows:

5 2. Except as hereinafter provided, any person who sells,
dispenses or gives away, in any form, any prescription legend drug
7 which is not a narcotic, depressant or stimulant drug [or], not an
anabolic steroid ¹as defined in section 1 of P.L. _____, c.
9 (C. _____)(now pending before the Legislature as this bill)¹, or
controlled dangerous substance ¹[within the meaning of existing
11 law] as defined in N.J.S.2C:35-2 or section 2 of P.L.1970, c.226
(C.24:21-1 et seq.)¹, or any stramonium preparation, is a
13 disorderly person.

(cf: P.L.1981, c.441, s.2)

15 ¹[7.] 8.¹ This act shall take effect immediately.

17

CRIMINAL JUSTICE

19

Alcohol and Drug Abuse

21 Makes it a crime to use or distribute anabolic steroids without a prescription; requires study by Commissioner of Health.

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 16, 1989

By Assemblymen GIRGENTI and SHUSTED

1 AN ACT concerning anabolic steroids, amending P.L.1962, c.113,
and supplementing chapter 35 of Title 2C of the New Jersey
3 Statutes and P.L.1970, c.226.

5 BE IT ENACTED *by the Senate and General Assembly of the*
State of New Jersey:

7 1. (New section) As used in this act:

a. "Anabolic steroid" means a material, compound, mixture, or
9 preparation that contains an anabolic steroid that includes any of
the following:

11 Chorionic gonadotrophin

Clostebol

13 Dehydrochlormethyltestosterone

Ethylestrenol

15 Fluoxymesterone

Mesterolone

17 Metenolone

Methandienone

19 Methandro stenolone

Methyltestosterone

21 Nandrolone decanoate

Nandrolone phenpropionate

23 Norethandrolone

Oxandrolone

25 Oxymesterone

Oxymetholone

27 Stanozolol

Testosterone propionate

29 Testosterone-like related compounds

b. "Practitioner" means a physician, dentist, veterinarian,
31 scientific investigator, laboratory, pharmacy, hospital or other
person licensed, registered, or otherwise permitted to distribute,
33 dispense, conduct research with respect to, or administer an

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in the
above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 anabolic steroid or immediate precursor in the course of
professional practice or research in this State.

3 c. "Immediate precursor" means a substance which the State
Department of Health has found to be and by regulation
5 designates as being the principal compound commonly used or
produced primarily for use, and which is an immediate chemical
7 intermediary used or likely to be used in the manufacture of an
anabolic steroid, the control of which is necessary to prevent,
9 curtail, or limit such manufacture.

2. (New section) It is unlawful for any person at least 18 years
11 of age who is not a practitioner acting in the course of his
professional practice to knowingly or purposely distribute or
13 dispense, or to possess or have under his control with intent to
distribute or dispense, an anabolic steroid or immediate precursor
15 to a person 17 years of age or younger. Any person who violates
this section shall be guilty of a crime of the fourth degree.

17 3. (New section) The Commissioner of Health shall conduct a
study on the feasibility of including anabolic steroids in the
19 schedules of controlled dangerous substances set forth in sections
5 through 8 of P.L.1970, c.226 (C.24:21-5 through 24:21-8) and
21 section 4 of P.L.1971, c.3 (C.24:21-8.1). In determining whether
to include anabolic steroids in such schedules, the commissioner
23 shall consider the actual or relative potential for abuse of these
substances; scientific evidence of their pharmacological effects;
25 the state of current scientific knowledge regarding them; the
history and current pattern of abuse; what, if any, risk there is to
27 the public health, and the psychic or physiological dependence
liability of these substances. The commissioner shall report to
29 the Legislature the results of the study not later than December
31, 1989.

31 4. (New section) The commissioner may add substances to or
delete substances from the definition of anabolic steroids set
33 forth in section 1 of P.L..... c..... (C.....) (now pending
before the Legislature as this bill), and shall promulgate rules and
35 regulations in accordance with the "Administrative Procedure
Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate the
37 purposes of this act.

5. Section 2 of P.L.1962, c.113 (C.2A:170-77.9) is amended to
39 read as follows:

1 2. Except as hereinafter provided, any person who sells,
dispenses or gives away, in any form, any prescription legend drug
3 which is not a narcotic, depressant or stimulant drug [or], not an
anabolic steroid distributed or dispensed to a person 17 years of
5 age or younger as set forth in section 2 of P.L..... c.....
(C.....) (now pending before the Legislature as this bill), or
7 controlled dangerous substance within the meaning of existing
law, or any stramonium preparation, is a disorderly person.

9 (cf: P.L.1981, c.441, s.2)

6. This act shall take effect immediately.

11

13

STATEMENT

15 Anabolic steroids, which are sometimes taken by athletes to
improve their athletic performance, have been linked to serious,
17 and possibly deadly, side effects. These drugs may cause
abnormal liver function, high blood pressure, heart disease, and
19 cancer. Recently, a high school football coach was accused of
distributing anabolic steroids to his players, without their
21 parents' permission or knowledge. This bill would increase the
penalties for illegal distribution of these drugs, making it a
23 criminal offense.

 Currently, the statutes treat anabolic steroids as they do any
25 other prescription drug. Anabolic steroids have not been
classified as controlled dangerous substances. Under current
27 law, a person who illegally uses or distributes most prescription
drugs, including anabolic steroids, is guilty only of a disorderly
29 persons offense, punishable by a term of imprisonment of up to
six months or a fine of up to \$1,000, or both. This bill would
31 make it a crime of the fourth degree, punishable by a term of
imprisonment of up to 18 months or a fine of up to \$7,500, or
33 both, to illegally distribute anabolic steroids to a minor under the
age of 18.

35 The bill would also require the Commissioner of Health to
study the feasibility of categorizing anabolic steroids as
37 controlled dangerous substances.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR

ASSEMBLY, No. 4224

STATE OF NEW JERSEY

DATED: MARCH 14, 1989

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The Assembly Judiciary Committee reports favorably an Assembly Committee Substitute for Assembly Bill No. 4224.

This committee substitute would make it a crime of the fourth degree, punishable by a term of imprisonment of up to 18 months or a fine of up to \$7,500, or both, to illegally distribute anabolic steroids. See section 5 of the substitute.

Currently, the statutes treat anabolic steroids as they do any other prescription drug. Anabolic steroids have not been classified as controlled dangerous substances. Under current law, a person who illegally uses or distributes most prescription drugs, including anabolic steroids, is guilty only of a disorderly persons offense, punishable by a term of imprisonment of up to six months or a fine of up to \$1,000, or both. The substitute amends N.J.S.A.2A:170-77.9 to clarify that anabolic steroids do not fall within its provisions.

Anabolic steroids, which are sometimes taken by athletes to improve their athletic performance, have been linked to serious, and possibly deadly, side effects. These drugs may cause abnormal liver function, high blood pressure, heart disease, and cancer. Recently, a high school football coach was accused of distributing anabolic steroids to his players, without their parents' permission or knowledge. This committee substitute would increase the penalties for illegal distribution of these drugs, making it a criminal offense.

It would also require the Commissioner of Health to study the feasibility of categorizing anabolic steroids as controlled dangerous substances and to report to the Legislature and Governor within nine months of the effective date of this act.

The committee substitute amends the definition section in both Title 24 and Title 2C to include definitions of "anabolic steroid" and "immediate steroid precursor" in both of these titles pertaining to controlled dangerous substances.