

24:21-6

LEGISLATIVE HISTORY CHECKLIST
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(Ketamine hydrochloride--CDS)

NJSA: 24:21-6

LAWS OF: 1997 CHAPTER: 193

BILL NO: S1772

SPONSOR(S): Kryillos and others

DATE INTRODUCED: January 14, 1997

COMMITTEE: ASSEMBLY: Judiciary

SENATE: Health

AMENDED DURING PASSAGE: Yes Amendments during passage denoted
First reprint (cc) enacted by superscript numbers

DATE OF PASSAGE: ASSEMBLY: June 26, 1997

SENATE: June 5, 1997

DATE OF APPROVAL: August 8, 1997

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes Also attached: statement,
6-12-97

COMMITTEE STATEMENT: ASSEMBLY: Yes

SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

See newspaper clippings--attached:

"Date-rape focus of new law--NJ also toughens law on 'Special K,'" 8-9-97,
Asbury Park Press.

+

KBP:pp

[Corrected Copy]

[First Reprint]

SENATE, No. 1772

STATE OF NEW JERSEY

INTRODUCED JANUARY 14, 1997

By Senators KYRILLOS, SINAGRA, Inverso, Matheussen,
Kosco, Palaia, Sacco, Assemblymen Bateman, Russo, Geist,
Zisa and Assemblywoman Buono

1 AN ACT concerning ketamine hydrochloride and amending P.L.1970,
2 c.226.

3

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

6

7 ¹[1. Section 6 of P.L.1970, c.226 (C.24:21-6) is amended to read
8 as follows:

9 6. a. Tests. The commissioner shall place a substance in Schedule
10 II if he finds that the substance: (1) has high potential abuse; (2) has
11 currently accepted medical use in treatment in the United States, or
12 currently accepted medical use with severe restrictions; and (3) abuse
13 may lead to severe psychic or physical dependence.

14 b. The controlled dangerous substances listed in this section are
15 included in Schedule II, subject to any revision and republishing by the
16 commissioner pursuant to section 3d, and except to the extent
17 provided in any other schedule.

18 c. Any of the following substances except those narcotic drugs
19 listed in other schedules whether produced directly or indirectly by
20 extraction from substances of vegetable origin, or independently by
21 means of chemical synthesis, or by combination of extraction and
22 chemical synthesis:

23 (1) Opium and opiate, and any salt, compound, derivative, or
24 preparation of opium or opiate.

25 (2) Any salt, compound, derivative, or preparation thereof which
26 is chemically equivalent or identical with any of the substances referred

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 SHH committee amendments adopted January 23, 1997.

1 to in clause 1, except that these substances shall not include the
2 isoquinoline alkaloids of opium.

3 (3) Opium poppy and poppy straw.

4 (4) Coca leaves and any salt, compound, derivative, or preparation
5 of coca leaves, and any salt, compound, derivative, or preparation
6 thereof which is chemically equivalent or identical with any of these
7 substances, except that the substances shall not include decocainized
8 coca leaves or extractions which do not contain cocaine or ecogine.

9 (5) Ketamine hydrochloride.

10 d. Any of the following opiates, including their isomers, esters,
11 ethers, salts, and salts of isomers, esters and ethers, unless specifically
12 excepted, whenever the existence of such isomers, esters, ethers, and
13 salts is possible within the specific chemical designation:

14 (1) Alphaprodine

15 (2) Anileridine

16 (3) Bezitramide

17 (4) Dihydrocodeine

18 (5) Diphenoxylate

19 (6) Fentanyl

20 (7) Isomethadone

21 (8) Levomethorphan

22 (9) Levorphanol

23 (10) Metazocine

24 (11) Methadone

25 (12) Methadone--Intermediate, 4-cyano-2-dimethylamino-4,
26 4-diphenyl butane

27 (13) Moramide--Intermediate, 2-methyl-3-morpholino-1,
28 1-diphenyl-propane-carboxylic acid

29 (14) Pethidine

30 (15) Pethidine--Intermediate--A, 4-cyano-1-methyl-4-phenylpiperidine

31 (16) Pethidine--Intermediate--B, ethyl-4-phenylpiperidine-4-
32 carboxylate

33 (17) Pethidine--Intermediate--C, 1-methyl-4-phenylpiperidine-4-
34 carboxylic acid

35 (18) Phenazocine

36 (19) Piminodine

37 (20) Racemethorphan

38 (21) Racemorphan.

39 (cf: P.L.1970, c.226, s.6)]¹

40

41 ¹1. Section 7 of P.L.1970, c.226 (C.24:21-7) is amended to read
42 as follows:

43 a. Tests. The commissioner shall place a substance in Schedule III
44 if he finds that the substance: (1) has a potential for abuse less than
45 the substances listed in Schedules I and II; (2) has currently accepted
46 medical use in treatment in the United States; and (3) abuse may lead

1 to moderate or low physical dependence or high psychological
2 dependence.

3 b. The controlled dangerous substances listed in this section are
4 included in Schedule III, subject to any revision and republishing by
5 the commissioner pursuant to section 3d., and except to the extent
6 provided in any other schedule.

7 c. Any material, compound, mixture, or preparation which contains
8 any quantity of the following substances associated with a stimulant
9 effect on the central nervous system:

10 (1) Amphetamine, its salts, optical isomers, and salts of its optical
11 isomers.

12 (2) Phenmetrazine and its salts.

13 (3) Any substance which contains any quantity of
14 methamphetamine, including its salts, isomers, and salts of isomers.

15 (4) Methylphenidate.

16 d. Any material, compound, mixture, or preparation which contains
17 any quantity of the following substances having a potential for abuse
18 associated with a depressant effect on the central nervous system:

19 (1) Any substance which contains any quantity of a derivative of
20 barbituric acid, or any salt of a derivative of barbituric acid, except
21 those substances which are specifically listed in other schedules

22 (2) Chlorhexadol

23 (3) Glutethimide

24 (4) Lysergic acid

25 (5) Lysergic acid amide

26 (6) Methyprylon

27 (7) Phencyclidine

28 (8) Sulfondiethylmethane

29 (9) Sulfonethylmethane

30 (10) Sulfonmethane

31 (11) Ketamine hydrochloride.

32 e. Nalorphine.

33 f. Any material, compound, mixture, or preparation containing
34 limited quantities of any of the following narcotic drugs, or any salts
35 thereof:

36 (1) Not more than 1.80 grams of codeine or any of its salts per 100
37 milliliters or not more than 90 milligrams per dosage unit, with an
38 equal or greater quantity of an isoquinoline alkaloid of opium.

39 (2) Not more than 1.80 grams of codeine or any of its salts per 100
40 milliliters or not more than 90 milligrams per dosage unit, with one or
41 more active, nonnarcotic ingredients in recognized therapeutic amount.

42 (3) Not more than 300 milligrams of dihydrocodeinone or any of its
43 salts per 100 milliliters or not more than 15 milligrams per dosage
44 unit, with a four-fold or greater quantity of an isoquinoline alkaloid of
45 opium.

46 (4) Not more than 300 milligrams of dihydrocodeinone or any of its

1 salts per 100 milliliters or not more than 15 milligrams per dosage
2 unit, with one or more active, nonnarcotic ingredients in recognized
3 therapeutic amounts.

4 (5) Not more than 1.80 grams of dihydrocodeine or any of its salts
5 per 100 milliliters or not more than 90 milligrams per dosage unit, with
6 one or more active, nonnarcotic ingredients in recognized therapeutic
7 amounts.

8 (6) Not more than 300 milligrams of ethylmorphine or any of its
9 salts per 100 milliliters or not more than 15 milligrams per dosage unit,
10 with one or more active, nonnarcotic ingredients in recognized
11 therapeutic amounts.

12 (7) Not more than 500 milligrams of opium or any of its salts per
13 100 milliliters or per 100 grams, or not more than 25 milligrams per
14 dosage unit, with one or more active, nonnarcotic ingredients in
15 recognized therapeutic amounts.

16 (8) Not more than 50 milligrams of morphine or any of its salts per
17 100 milliliters or per 100 grams with one or more active, nonnarcotic
18 ingredients in recognized therapeutic amounts.

19 g. The commissioner may by regulation except any compound,
20 mixture, or preparation containing any stimulant or depressant
21 substance listed in subsections a. and b. of this schedule from the
22 application of all or any part of this act if the compound, mixture, or
23 preparation contains one or more active medicinal ingredients not
24 having a stimulant or depressant effect on the central nervous system;
25 provided, that such admixtures shall be included therein in such
26 combinations, quantity, proportion, or concentration as to vitiate the
27 potential for abuse of the substances which do have a stimulant or
28 depressant effect on the central nervous system.¹

29

30 2. This act shall take effect immediately.

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32

33

34

35 _____
36 Designates ketamine hydrochloride as a controlled dangerous
substance.

- 1 coca leaves or extractions which do not contain cocaine or ecogine.
2 (5) Ketamine hydrochloride.
3 d. Any of the following opiates, including their isomers, esters,
4 ethers, salts, and salts of isomers, esters and ethers, unless specifically
5 excepted, whenever the existence of such isomers, esters, ethers, and
6 salts is possible within the specific chemical designation:
7 (1) Alphaprodine
8 (2) Anileridine
9 (3) Bezitramide
10 (4) Dihydrocodeine
11 (5) Diphenoxylate
12 (6) Fentanyl
13 (7) Isomethadone
14 (8) Levomethorphan
15 (9) Levorphanol
16 (10) Metazocine
17 (11) Methadone
18 (12) Methadone--Intermediate, 4-cyano-2-dimethylamino-4,
19 4-diphenyl butane
20 (13) Moramide--Intermediate, 2-methyl-3-morpholino-1,
21 1-diphenyl-propane-carboxylic acid
22 (14) Pethidine
23 (15) Pethidine--Intermediate--A, 4-cyano-1-methyl-4-phenylpiperidine
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27 carboxylic acid
28 (18) Phenazocine
29 (19) Piminodine
30 (20) Racemethorphan
31 (21) Racemorphan.
32 (cf: P.L.1970, c.226, s.6)

33
34 2. This act shall take effect immediately.
35
36

37 STATEMENT

38
39 This bill amends the "New Jersey Controlled Dangerous Substances
40 Act," P.L.1970, c.226 (C.24:21-1 et seq.) to designate ketamine
41 hydrochloride, also known as ketamine, as a Schedule II controlled
42 dangerous substance.

43 Ketamine is a rapidly acting general anesthetic occurring as a white,
44 crystalline powder, which is given intravenously or intramuscularly and
45 may produce vivid and sometimes unpleasant dreams. Although this
46 drug has an accepted use in veterinary medicine, it has been

1 increasingly used by youths in this and other states as a street drug
2 called "Special K," which leaves the user in a heavily sedated condition
3 and has been documented to result in instances of coma and even
4 death. Raids of popular dance clubs in New York and New Jersey have
5 resulted in charges of club employees distributing the drug. The high
6 produced by ketamine may include hallucinations, delirium and
7 disorientation, and high doses may cause respiratory distress,
8 vomiting, convulsions and an inability to move. The drug may also
9 cause elevated blood pressure and pulse rate. Users report a high that
10 is both dreamlike and energizing.

11 Ketamine is chemically similar to PCP. In its injectable form, it is
12 sold under the brand names of Ketajet and Ketacet. Illegal users may
13 either drink the drug in liquid form, mixing it with bottled water or
14 other liquids, or, more commonly, may convert it into powder, which
15 can be either snorted or sprinkled on marijuana cigarettes and smoked.
16 When packaged in its powder form, ketamine appears similar to
17 cocaine, heroine or crystal methamphetamine. Veterinarians can buy
18 a vial of ketamine for about \$7; however, a single dose of powder or
19 liquid costs the abuser from \$25 to \$50.

20 Currently, the maximum penalty for possession of this drug is a
21 disorderly persons offense (punishable by up to six months
22 imprisonment or a fine of up to \$1,000, or both), because ketamine is
23 not classified as a controlled dangerous substance. This bill is
24 intended to provide the law enforcement community with a more
25 potent means of combating this growing problem. It should be noted
26 that federal legislation has been introduced by Senator Biden (D-
27 Delaware) to classify ketamine as a Schedule II controlled substance.

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32 Designates ketamine hydrochloride as a controlled dangerous
33 substance.

[Corrected Copy]

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 1772

STATE OF NEW JERSEY

DATED: JUNE 12, 1997

The Assembly Judiciary Committee reports favorably Senate Bill No. 1772 (1R).

This bill amends the "New Jersey Controlled Dangerous Substances Act," P.L.1970, c.226 (C.24:21-1 et seq.) to designate ketamine hydrochloride, also known as ketamine, as a Schedule III controlled dangerous substance.

Ketamine is a rapidly acting general anesthetic occurring as a white, crystalline powder, which is given intravenously or intramuscularly and may produce vivid and sometimes unpleasant dreams. Although this drug has an accepted use in veterinary medicine, it has been increasingly used as a street drug called "Special K," which leaves the user in a heavily sedated condition and has been documented to result in instances of coma and even death. Raids of popular dance clubs in New York and New Jersey have resulted in charges of club employees distributing the drug. The high produced by ketamine may include hallucinations, delirium and disorientation, and high doses may cause respiratory distress, vomiting, convulsions, an inability to move, elevated blood pressure and pulse rate.

Ketamine is chemically similar to PCP. In its injectable form, it is sold under the brand names of Ketajet and Ketacet. Illegal users may either drink the drug in liquid form, mixing it with bottled water or other liquids, or, more commonly, may convert it into powder, which can be either snorted or sprinkled on marijuana cigarettes and smoked. When packaged in its powder form, ketamine appears similar to cocaine, heroine or crystal methamphetamine. Veterinarians can buy a vial of ketamine for about \$7; however, a single dose of powder or liquid costs the abuser from \$25 to \$50.

Currently, the maximum penalty for possession of this drug is a disorderly persons offense (punishable by up to six months imprisonment or a fine of up to \$1,000, or both), because ketamine is not classified as a controlled dangerous substance. This bill is intended to provide the law enforcement community with a more potent means of combating this growing problem.

This bill is identical to Assembly Bill No. 2712.

SENATE HEALTH COMMITTEE

STATEMENT TO

SENATE, No. 1772

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 23, 1997

The Senate Health Committee reports favorably Senate Bill No. 1772 with committee amendments.

As amended by committee, this bill amends the "New Jersey Controlled Dangerous Substances Act," P.L.1970, c.226 (C.24:21-1 et seq.) to designate ketamine hydrochloride, also known as ketamine, as a Schedule III controlled dangerous substance.

Ketamine is a rapidly acting general anesthetic occurring as a white, crystalline powder, which is given intravenously or intramuscularly and may produce vivid and sometimes unpleasant dreams. Although this drug has an accepted use in veterinary medicine, it has been increasingly used by youths in this and other states as a street drug called "Special K," which leaves the user in a heavily sedated condition and has been documented to result in instances of coma and even death. Raids of popular dance clubs in New York and New Jersey have resulted in charges of club employees distributing the drug. The high produced by ketamine may include hallucinations, delirium and disorientation, and high doses may cause respiratory distress, vomiting, convulsions and an inability to move. The drug may also cause elevated blood pressure and pulse rate. Users report a high that is both dreamlike and energizing.

Ketamine is chemically similar to PCP. In its injectable form, it is sold under the brand names of Ketajet and Ketacet. Illegal users may either drink the drug in liquid form, mixing it with bottled water or other liquids, or, more commonly, may convert it into powder, which can be either snorted or sprinkled on marijuana cigarettes and smoked. When packaged in its powder form, ketamine appears similar to cocaine, heroine or crystal methamphetamine. Veterinarians can buy a vial of ketamine for about \$7; however, a single dose of powder or liquid costs the abuser from \$25 to \$50.

Currently, the maximum penalty for possession of this drug is a disorderly persons offense (punishable by up to six months imprisonment or a fine of up to \$1,000, or both), because ketamine is not classified as a controlled dangerous substance. This bill is

intended to provide the law enforcement community with a more potent means of combating this growing problem.

The committee amended the bill at the request of the sponsor to classify ketamine hydrochloride as a Schedule III controlled dangerous substance, rather than as a Schedule II controlled dangerous substance.

STATEMENT TO

[First Reprint]

SENATE, No. 1772

STATE OF NEW JERSEY

DATED: JUNE 12, 1997

The Assembly Judiciary Committee reports favorably Senate Bill No. 1772 (1R).

This bill amends the "New Jersey Controlled Dangerous Substances Act," P.L.1970, c.226 (C.24:21-1 et seq.) to designate ketamine hydrochloride, also known as ketamine, as a Schedule III controlled dangerous substance.

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Currently, the maximum penalty for possession of this drug is a disorderly persons offense (punishable by up to six months imprisonment or a fine of up to \$1,000, or both), because ketamine is not classified as a controlled dangerous substance. This bill is intended to provide the law enforcement community with a more potent means of combating this growing problem.

This bill is identical to Assembly Bill No. 2712.

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OFFICE OF THE GOVERNOR NEWS RELEASE

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RELEASE: FRIDAY
Aug. 8, 1997

Gov. Whitman Outlaws "Special K" Drug and Steps Up Penalties for Use of Rape Drugs

Gov. Whitman launched another strike in the war against drugs today when she signed into law a bill that designates a hallucinogenic drug known as "Special K" as a controlled dangerous substance and a bill that enhances the penalties against those who use rape drugs in sexual assault.

S-1772 / A-2712, sponsored by Senators Joseph M. Kyrillos Jr., (R-Middlesex/Monmouth) and Jack Sinagra (R-Middlesex) and Assembly Members Christopher "Kip" Bateman (R-Morris/Somerset) and David C. Russo (R-Bergen/Passaic), puts ketamine hydrochloride, a drug that has long been used as a veterinary anesthetic, on the state's list of controlled dangerous substances.

"Ketamine is commonly known in the drug world as 'Special K,'" Gov. Whitman said. "It is highly addictive and dangerous. Designating it as a controlled dangerous substance is an important step toward protecting children who are often the targets of the illicit drug trade."

Because ketamine hydrochloride was not on the list of controlled dangerous substances, prior to enactment of this legislation, those found in possession of or using the drug were charged with a disorderly persons offense which carries a maximum penalty of six months in jail and a \$1,000 fine. Now, possession or use of the drug is a third-degree crime which carries a maximum penalty of five years in prison and a \$7,500 fine.

A-2725 / S1851, sponsored by Assembly Members Paul DiGaetano (R-Bergen / Essex / Passaic) and Steve Corodemus (R-Monmouth) and Senators Louis F. Kosco (R-Bergen) and Joseph M. Kyrillos Jr. (R-Middlesex/Monmouth), upgrades the use of rape drugs to facilitate a sexual assault a crime of the first degree when the defendant knew or should have known that the victim was helpless or mentally incapacitated.

"Last week I signed a bill to significantly increase prison time and fines for drug traffickers caught with large quantities of drugs," Gov. Whitman said. "I also made it a crime to rig drug dens with 'booby traps' meant to harm law enforcement officers. New Jersey has zero tolerance for drugs. The legislation that I am signing today pushes the front line in the war against drugs even farther forward."

Prior to enactment of the legislation, sexual assault facilitated by the use of a rape drug was a crime of the first degree only if the person committing a sexual assault was aided by someone else during the attack. Crimes of the first degree carry a maximum penalty of 20 years in prison.

The bill also creates first, second and third degree charges that can be filed against anyone who distributes and / or possess either gamma hydrobutyrate (GHB) or flunitrazepan which is marketed overseas under the brand name Rohypnol.

The use of GHB and Rohypnol have been suspected or alleged in several sexual assault cases.

GHB is a central nervous system depressant that has not been approved for sale as a medical product. It has only been clinically tested for use as an anesthetic and for the treatment of narcolepsy and alcohol. It can reduce the heart rate and cause a coma or partial amnesia.

The drug, which has not received FDA approval, is legally sold in about 80 other countries. It is illegally smuggled into the U.S. and is commonly known as "roofies." It is 10 times stronger than some prescription sedatives sold in pharmacies in the U.S. and can also lead to a coma or amnesia.

The bill requires that the New Jersey Department of Law & Public Safety maintain a training program for law enforcement officers who will or have encountered offenders who use rape drugs to facilitate a sexual assault.