



House Office Building, 9 South  
Lansing, Michigan 48909  
Phone: 517/373-6466

## **GAMMA-BUTYROLACTONE PROHIBIT MANUFACTURE, SALE, AND POSSESSION**

**House Bill 5556**

**Sponsor: Rep. Jennifer Faunce**

**House Bill 5557**

**Sponsor: Rep. Mike Kowall**

**Committee: Criminal Law and Corrections**

**Complete to 5-1-00**

### **A SUMMARY OF HOUSE BILLS 5556 AND 5557 AS INTRODUCED 4-11-00**

House Bill 5556 would amend the Public Health Code (MCL 333.7401a, et al.) to prohibit the manufacture, delivery, or possession of gamma-butyrolactone (GBL) or any material containing GBL.

(On January 21 of 1991, the Food and Drug Administration (FDA) released a paper warning about the risks of gamma-butyrolactone. GBL has been marketed as a dietary supplement that is claimed to build muscles, improve physical performance, enhance sex, reduce stress and induce sleep. According to the FDA, GBL has been associated with reports of at least 55 adverse health effects, including one death. In 19 of those cases, the consumers became unconscious or comatose and several required intubation for assisted breathing. Other reported effects induced seizures, vomiting, slow breathing, and slow heart rate.)

The bill would create two felonies involving GBL or any material, compound, mixture, or preparation containing GBL. The first -- manufacture, delivery, or possession with the intent to manufacture or deliver -- would be punishable by not more than seven years in prison and/or a fine of no more than \$5,000. The second -- knowing or intentional possession -- would be punishable by not more than two years in prison and/or a fine of no more than \$2,000. The bill would apply to an individual, partnership, cooperative, association, private corporation, personal representative, receiver, trustee, assignee, or any other legal entity, including a governmental entity.

“Delivery” would be defined in the bill as the actual, constructive, or attempted transfer from one person to another of GBL or any mixture containing GBL, whether or not an agency relationship existed. “Manufacture” would mean the production, preparation, propagation, compounding, conversion, or processing of GBL or any mixture containing GBL, whether done directly or indirectly, by extraction from natural substances or by chemical synthesis, or by a combination of extraction and chemical synthesis. “Manufacture” would include packaging or repackaging the substance or labeling or relabeling a container.

The bill would provide an affirmative defense for the manufacture, delivery, or possession of GBL or a mixture containing GBL, provided that it was for use in commercial applications (as an ingredient in a lawful product, for use in the manufacture of a lawful product, or for lawful use as a solvent) and was not for human consumption.

In addition, references to GBL and the felonies established by the bill would be placed in the provisions of the act prohibiting the sale of drugs to minors, on school property, on or near public or private parks, and the use or attempted use of a controlled substance in order to commit or attempt criminal sexual conduct.

The bill would expand the following crimes to include GBL:

- The manufacture, creation, delivery, or possession with intent to manufacture, create, or deliver a controlled substance by someone who is 18 years old or older to someone who is three years or more younger.
- The possession of a controlled substance on school property by an individual who is 18 years old or older.

A violation of either of these provisions that involved GBL could be punished either under the current prohibition or the bill's provisions.

Furthermore, the bill would include GBL in the code's provisions against the delivering or possessing with intent to deliver certain controlled substances by an individual who was 18 years old or older to a minor in or within 1,000 feet of a public or private park. In addition, the GBL would be added to the provision against possession of a controlled substance by an individual 18 years old or older in a public or private park.

Finally, the bill would expand the provisions on forfeiture to include other drugs; this would allow for the forfeiture of the drug itself, raw materials, products, or equipment used in manufacturing, things of value furnished in exchange for the drug, and property used as a container or to convey the drug.

House Bill 5557 would amend the Code of Criminal Procedure's statutory sentencing guidelines (MCL 777.13 and 777.18) to include the following:

- Delivery of a controlled substance or gamma-butyrolactone to commit or attempt to commit criminal sexual conduct as a class C crime against a person with a statutory maximum of 20 years.
- Delivery or manufacture of gamma-butyrolactone as a class E crime involving a controlled substance with a statutory maximum of 7 years.
- Possession of gamma-butyrolactone as a class G crime involving a controlled substance with a statutory maximum of 2 years.

- Controlled substance or gamma-butyrolactone delivery or distribution in a public or private park as a controlled substance crime with a statutory maximum of 2 years. [The bill does not include a classification for this crime.]

- The bill would also add gamma-butyrolactone to the existing guideline for delivery of a controlled substance to minors or students. Thus, the guideline would list the crime as: Controlled substance or gamma-butyrolactone delivery or distribution to minors or students, which would be a controlled substance crime with a variable statutory maximum. [The bill does not include a classification for this crime.]

House Bill 5557 would not take effect unless House Bill 5556 was enacted into law.

Analyst: W. Flory

---

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.