



State Statutory Approaches to Illicit Drug Policy

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Presentation at the APHA Annual Meeting

San Francisco, CA

November 17, 2003

Presentation Overview

- Overview of the ImpacTeen Illicit Drug Law Statutory Database
- Presentation of variations in state laws addressing:
 - Controlled substance scheduling
 - Penalties for sale and possession of small amounts of selected substances

Overview of the Legislative Database

- Original legal research conducted by The MayaTech Corporation for ImpacTeen
- Statutory law (created by state legislatures) in effect as of January 1 of 1999, 2000, 2001
- Three topic areas:
 - Controlled substance scheduling
 - Penalties
 - Medical marijuana



Limitations

- Does not capture administrative law (i.e. rules and regulations)
- Does not capture sentencing guidelines

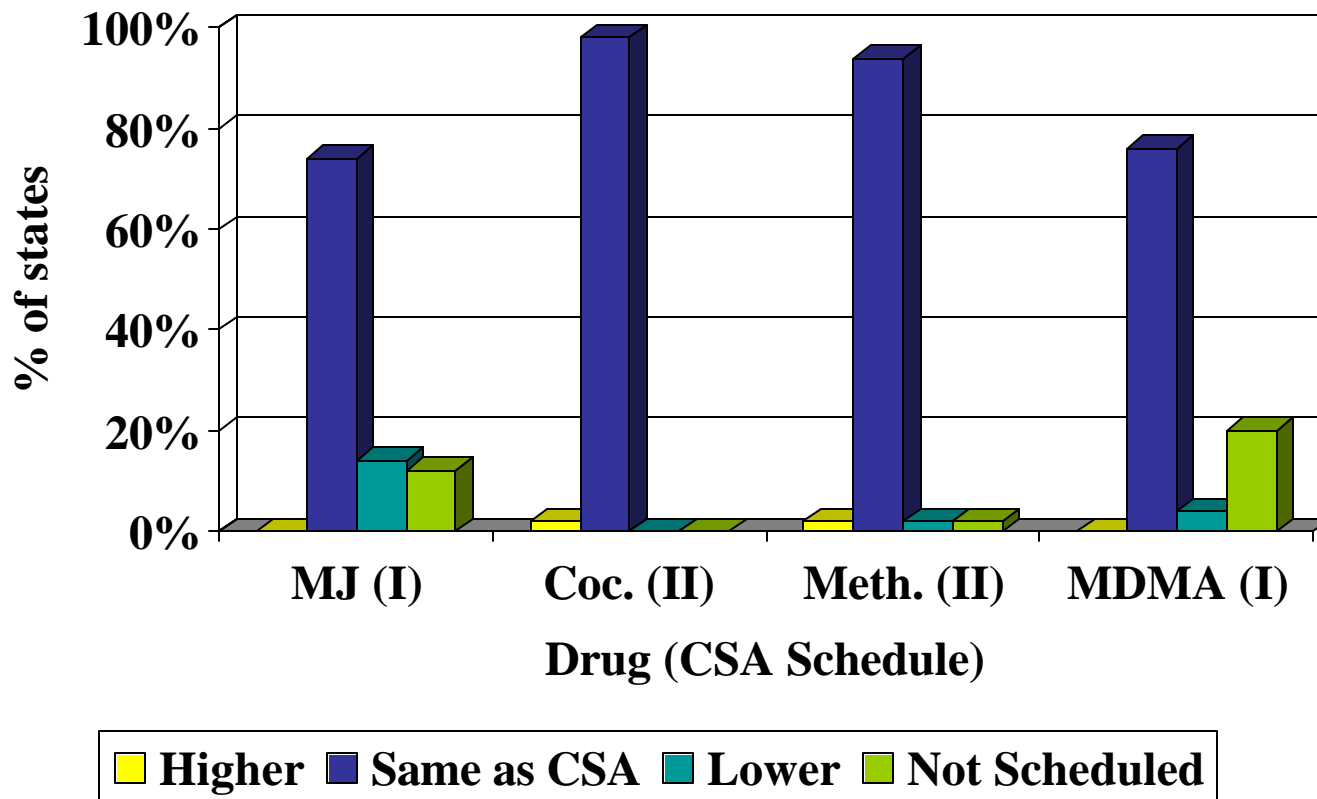
Substances Tracked

- Well known drugs of abuse
 - Cocaine, crack, methamphetamine, marijuana and hashish
- Selected “club drugs”
 - MDMA (ecstasy), GHB, Ketamine

Why Examine State Laws?

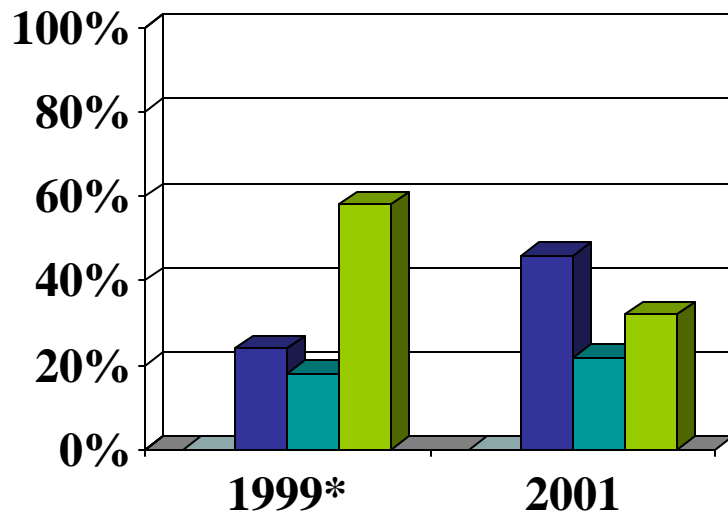
- Legislation reflects one systemic or environmental factor that ultimately might impact drug using attitudes, perceptions and behaviors
- Most drug offenders are tried in state courts and, therefore, subject to state penalties

For certain substances, state schedules generally conform to the Federal Controlled Substances Act (as of 1/1/01)



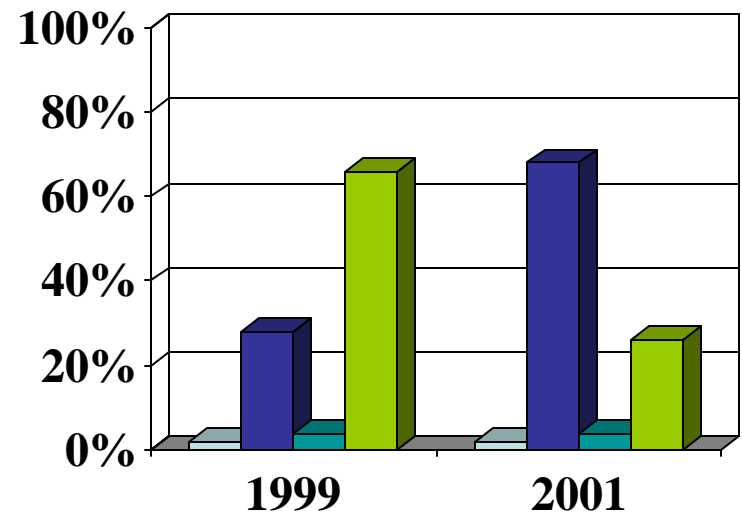
Change in scheduling: GHB and Ketamine – 1999 vs. 2001

GHB Scheduling



Higher Same as CSA (I)
Lower Not Sched.

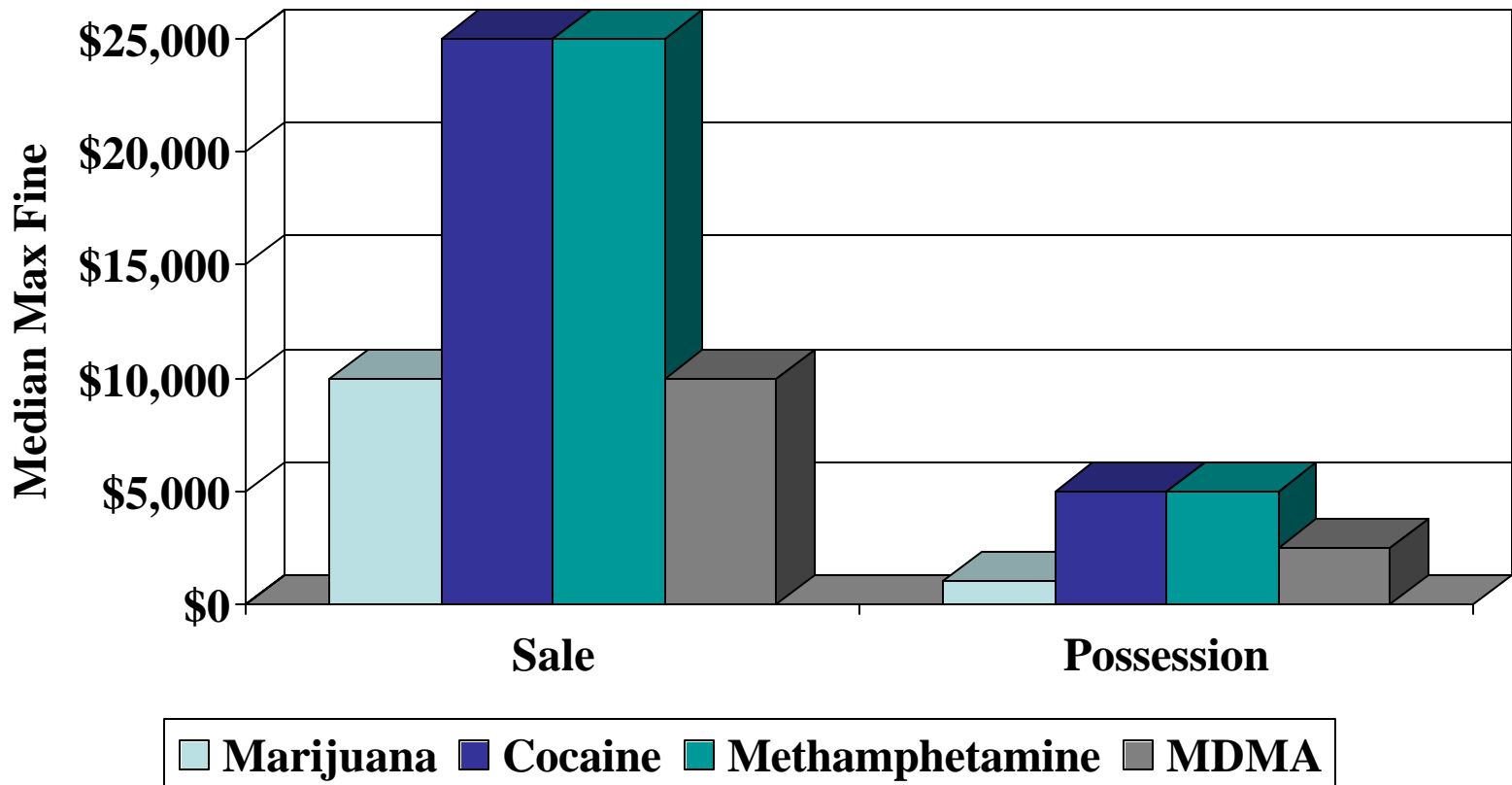
Ketamine Scheduling



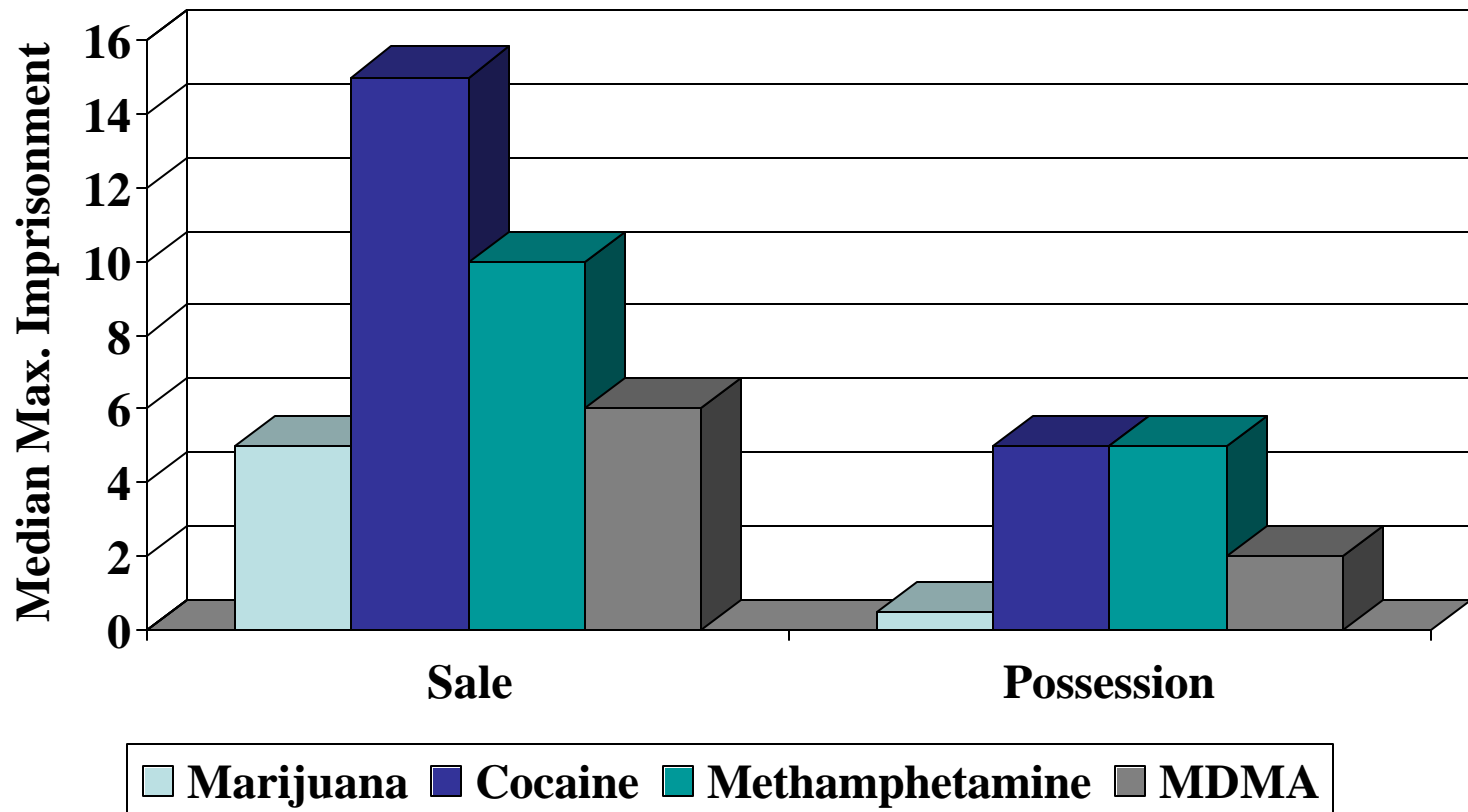
Higher Same as CSA (III)
Lower Not Sched.

*GHB was not scheduled in the CSA until March 2000.

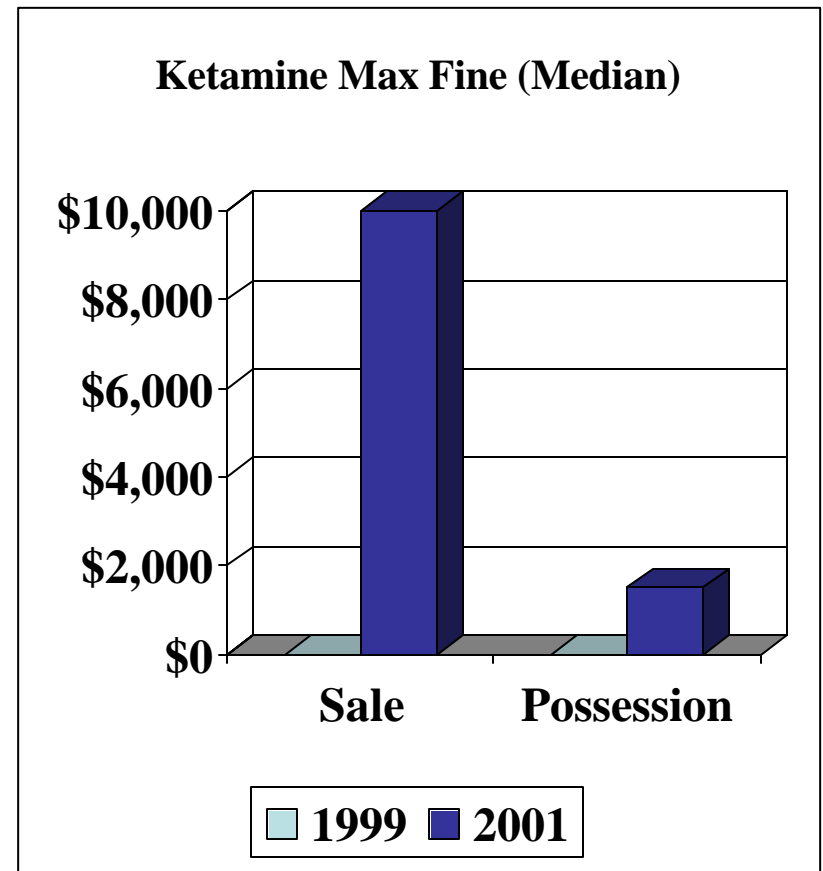
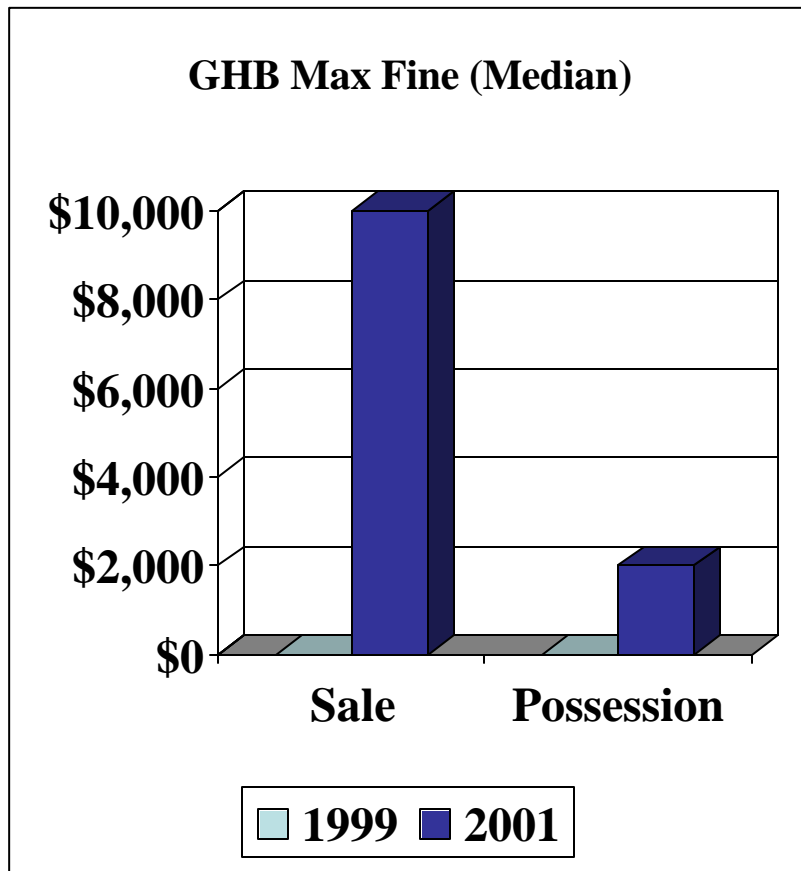
Maximum fines for lowest quantity trigger--sale and possession (as of 1/1/01)



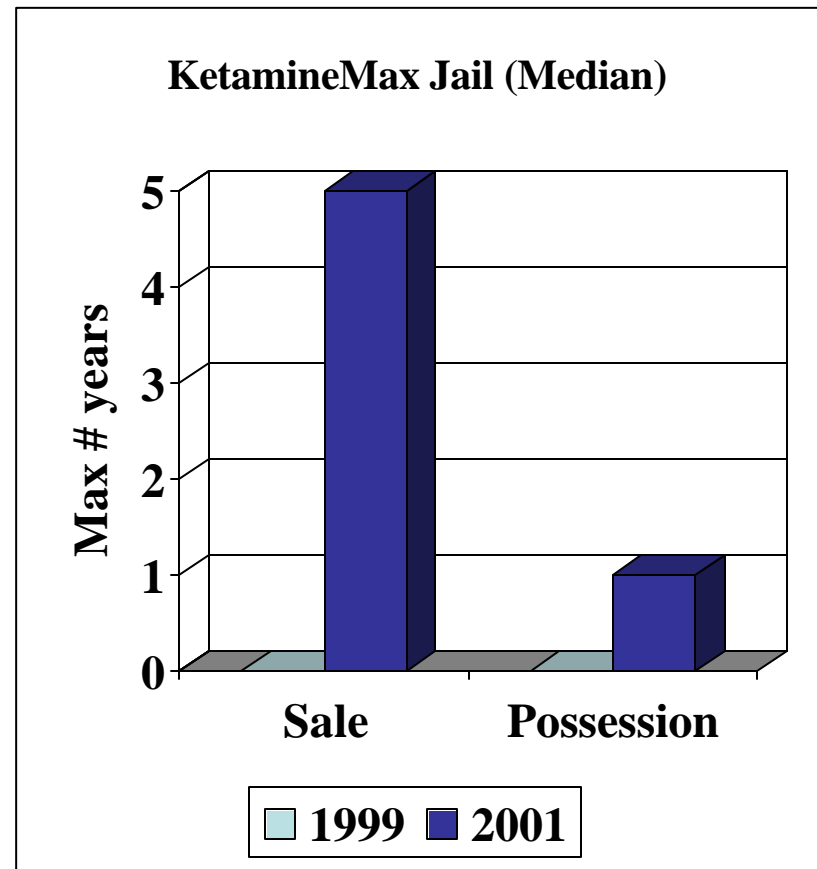
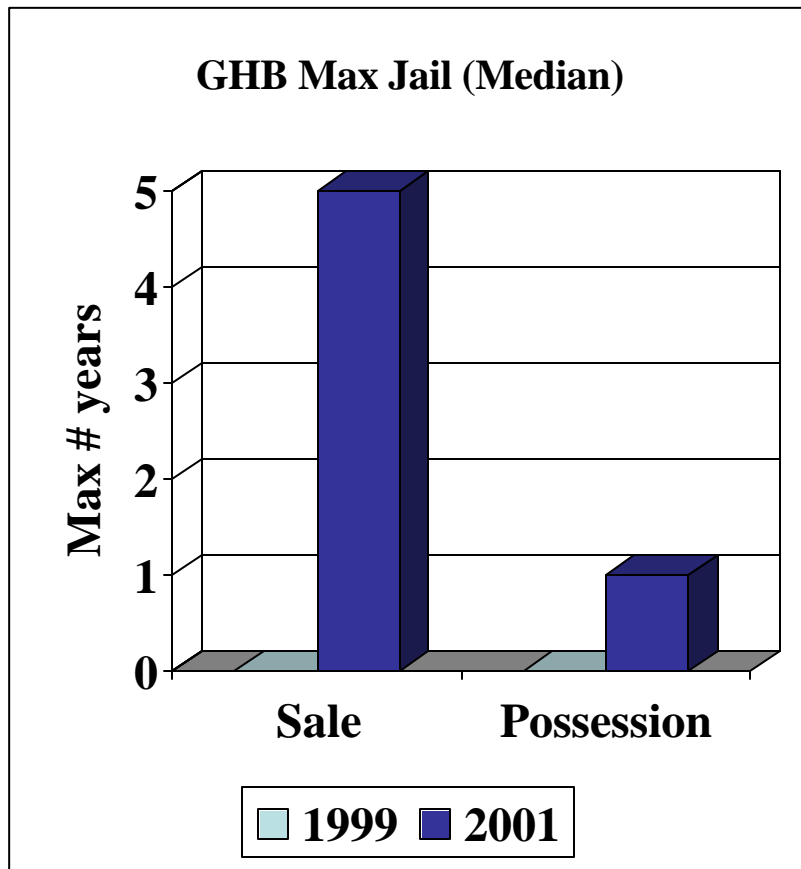
Maximum imprisonment for lowest quantity trigger--sale and possession (as of 1/1/01)



Change in monetary penalties: GHB and Ketamine – 1999 vs. 2001



Change in imprisonment penalties: GHB and Ketamine – 1999 vs. 2001



GHB penalties vary by scheduling status (as of 1/1/01)

	Scheduled	Median Max. Fine	Median Max. Imp.
Sale	Yes	\$17,500	7.25 years
	No	\$0	0 years
Possess	Yes	\$5,000	2.25 years
	No	\$0	0 years

Ketamine penalties vary by scheduling status (as of 1/1/01)

	Scheduled	Median Max. Fine	Median Max. Imp.
Sale	Yes	\$15,000	6 years
	No	\$0	0 years
Possess	Yes	\$2,500	1 year
	No	\$0	0 years

Conclusions

- Little variation in scheduling and penalties for marijuana, cocaine, methamphetamine, and Ecstasy (MDMA)
- Substantial change in state statutory attention to GHB and Ketamine from 1999 to 2001
 - States that do not schedule GHB and Ketamine have less severe (if any) penalty schemes for selling/possessing