Federal Regulations Affecting Gamma Butyrolactone (GBL)

Synopsis: On February 18, 2000, Congress enacted the Date-Rape Drug Prohibition Act, outlawing gamma hydroxybutyric acid (GHB), popularly known as the "date-rape drug," and giving the Drug Enforcement Agency (DEA) the authority to regulate gamma-Butyrolactone (GBL), a precursor chemical that can be synthesized into GHB.[ii] On April 24, 2000, DEA regulations relating to GBL went into effect, requiring those who manufacture, distribute, import, and export GBL not intended for human consumption to register annually with the DEA and maintain detailed records of all GBL transactions.[iii] This article provides an overview of the GBL regulations and the potential penalties for failure to comply with them.[iv]

Why GBL is Regulated
Although GBL has legitimate uses, for example, as an industrial cleaner, it has the potential for abuse as it is structurally and pharmacologically similar to GHB.[v] Law enforcement authorities have identified GBL in many GHB clandestine laboratories and documented its use as a precursor in the synthesis of GHB.[vi] In addition, when ingested, GBL is swiftly converted by the body into GHB and has been abused for its psychoactive effects.[vii]

Regulations Apply to GBL Not for Consumption; GBL for Consumption May Be Illegal
The DEA regulations relate to GBL not intended for human consumption.[viii] GBL intended for human consumption may, under certain circumstances, be considered a controlled substance and therefore illegal.[ix] This article is limited to a discussion of GBL not intended for human consumption.

Those Affected by the DEA Regulations
Any person or company that manufactures any amount of GBL for distribution, or distributes, imports, and/or exports any amount of GBL, must comply with the federal regulations.[x] However, the DEA is currently reviewing available data to determine whether it should exempt transactions involving GBL amounts below a certain threshold.[xi] The threshold issue will be subject to a separate rulemaking and will provide an opportunity for public comment.[xii]

Those who manufacture GBL solely for internal consumption are exempted from the DEA regulations.[xiii] Also, agents and employees of registered parties are not individually subject to the regulations, but rather are covered by the companies that retain or employ them.[xiv]

DEA Regulations for GBL

1. Annual Registration

Every person or company that manufactures GBL for distribution, or distributes, exports, or imports GBL, must register annually for each type of GBL transaction.[xv] Individual registrations are also required for each location at which a transaction occurs.[xvi]
2. **Registration Fees**

As of April 24, 2000, for GBL manufacturers, distributors, importers, and exporters, each annual registration fee is $595.00 the first year and $477.00 each year thereafter.\[xvii]\ For GBL retailers, the fee is $265.00 the first year and $116.00 each year thereafter.\[xviii]\

3. **Recordkeeping Requirements**

GBL registrants must keep detailed records of all GBL transactions, including information regarding the parties involved, the manner in which the GBL is packaged, and the method of GBL transportation.\[xix]\

4. **Security Obligations**

All parties subject to the GBL regulations must provide effective controls and procedures to guard against GBL theft and must report any suspicious activity to the DEA.\[xx]\ In addition, GBL handlers need to exercise caution in selecting employees who will be directly involved in GBL transactions, for example, by screening potential employees for felony offenses relating to a controlled substance. \[xxi]\

**Penalties for Failure to Comply**

Those who negligently fail to comply with the GBL regulations are subject to up to a $10,000 fine.\[xxii]\ Those who knowingly fail to comply with the regulations are subject to up to a $25,000 fine and/or one year in prison for the first offense, and up to a $50,000 fine and/or two years in prison for a subsequent offense.\[xxiii]\ For more information, contact Douglas J. Behr at (202)434-4213 or behr@khlaw.com, Pamela Gauthier at 202-434-4291 or gauthier@khlaw.com or Lynn Owens at 202-434-4299 or owens@khlaw.com.

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\[iv\] This article is not intended to provide legal advice and is only a discussion of the potential legal issues raised by the Date-Rape Drug Prohibition Act and subsequent federal regulations. If you manufacture, distribute, import, or export GBL, you must comply with federal and possibly state regulations and should seek legal advice.


\[vi\] Id.

\[vii\] Id.; see also Stephen Zukin, M.D., Address before the Subcommittee on Oversight and Investigations, Committee on Commerce, U.S. House of Representatives (Mar. 11, 1999).


[xii] Id.

[xiii] 21 C.F.R. § 1309.27.

[xiv] Id. § 1309.24.

[xv] Id. §§ 1309.21, 1309.22.

[xvi] Id. §§ 1309.23.

[xvii] Id. §§ 1309.11(a),(b).

[xviii] Id. § 1309.11 (c),(d).

[xix] Id. §§ 1310.03, 1310.06.

xx] Id. §§ 1309.71, 1310.05(a)(1).

[xxi] Id. § 1309.72.


[xxiii] Id. §§ 842(a), 842(c)(2)(A), (B).