ENGROSSED SENATE
BILL NO. 1674
By: Murdock of the Senate
and
Pfeiffer of the House

[ Uniform Controlled Dangerous Substances Act - penalties - felony offense - sentencing - exclusions - effective date ]

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 63 O.S. 2011, Section 2-402, as last amended by Section 3, State Question No. 780, Initiative Petition No. 404 (63 O.S. Supp. 2019, Section 2-402), is amended to read as follows:

Section 2-402. A. 1. It shall be unlawful for any person knowingly or intentionally to possess a controlled dangerous substance unless such substance was obtained directly, or pursuant to a valid prescription or order from a practitioner, while acting in the course of his or her professional practice, or except as otherwise authorized by this act Section 2-101 et seq. of this title.

2. It shall be unlawful for any person to purchase any preparation excepted from the provisions of the Uniform Controlled Dangerous Substances Act pursuant to Section 2-313 of this title in
an amount or within a time interval other than that permitted by
Section 2-313 of this title.

3. It shall be unlawful for any person or business to sell,
market, advertise or label any product containing ephedrine, its
salts, optical isomers, or salts of optical isomers, for the
indication of stimulation, mental alertness, weight loss, appetite
control, muscle development, energy or other indication which is not
approved by the pertinent federal OTC Final Monograph, Tentative
Final Monograph, or FDA-approved new drug application or its legal
equivalent. In determining compliance with this requirement, the
following factors shall be considered:

   a. the packaging of the product,

   b. the name of the product, and

   c. the distribution and promotion of the product,
      including verbal representations made at the point of
      sale.

B. Any person who violates this section is guilty of a
misdemeanor punishable by confinement for not more than one (1) year
and by a fine not exceeding One Thousand Dollars ($1,000.00).

C. Any person who violates any provision of this section by
possessing or purchasing from a person one or more of the following
controlled dangerous substances: methamphetamine, heroin, cocaine or
fentanyl, in, on or within one thousand (1,000) feet of the real
property comprising a public or private elementary or secondary
school shall be guilty of a felony and punished by imprisonment in
the custody of the Department of Corrections for not more than five
(5) years.

D. The provisions of subsection C of this section shall not
apply to any person who is:

1. Less than eighteen (18) years of age;

2. Eighteen (18) years of age or older and who is enrolled as a
full-time student at a public or private secondary school located
within the prohibited distance; or

3. Within the prohibited distance at the request of a law
enforcement officer for purposes of conducting a routine traffic
stop.

E. Any person convicted of any offense described in this
section shall, in addition to any fine imposed, pay a special
assessment trauma-care fee of One Hundred Dollars ($100.00) to be
deposited into the Trauma Care Assistance Revolving Fund created in
Section 1-2530.9 of this title.

SECTION 2. This act shall become effective November 1, 2020.
Passed the Senate the 11th day of March, 2020.

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Presiding Officer of the Senate

Passed the House of Representatives the ___ day of __________, 2020.

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Presiding Officer of the House of Representatives