

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 SENATE BILL 1674

By: Murdock

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6 AS INTRODUCED

7 An Act relating to the Uniform Controlled Dangerous
8 Substances Act; amending 63 O.S. 2011, Section 2-402,
9 as last amended by Section 3, State Question No. 780,
10 Initiative Petition No. 404 (63 O.S. Supp. 2019,
11 Section 2-402), which relates to penalties; providing
12 for felony offense; allowing for certain
13 participation; creating certain felony offense;
14 providing for certain sentencing; updating statutory
15 reference; and providing an effective date.

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

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

21 Section 2-402. A. 1. It shall be unlawful for any person
22 knowingly or intentionally to possess a controlled dangerous
23 substance unless such substance was obtained directly, or pursuant
24 to a valid prescription or order from a practitioner, while acting
in the course of his or her professional practice, or except as

1 otherwise authorized by ~~this act~~ Section 2-101 et seq. of this
2 title.

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

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

- 17 a. the packaging of the product,
- 18 b. the name of the product, and
- 19 c. the distribution and promotion of the product,
20 including verbal representations made at the point of
21 sale.

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

1 third or subsequent violation of this section with respect to any
2 Schedule I or II substance, except marijuana, or a substance
3 included in subsection D of Section 2-206 of this title, is a felony
4 punishable by imprisonment in the custody of the Department of
5 Corrections for not more than five (5) years. Violators of this
6 section may participate in an approved drug court program pursuant
7 to the Oklahoma Drug Court Act as provided for in Section 471.1 et
8 seq. of Title 22 of the Oklahoma Statutes.

9 C. Any person who violates any provision of this section by
10 possessing or purchasing from a person one or more of the following
11 controlled dangerous substances: methamphetamine, heroin, cocaine or
12 fentanyl, in, on or within one thousand (1,000) feet of the real
13 property comprising a public or private elementary or secondary
14 school, public vocational school, public or private college or
15 university or other institution of higher education, recreational
16 center or public park, including state parks and recreational areas,
17 or in the presence of any child under twelve (12) years of age,
18 shall be guilty of a felony and punished by imprisonment in the
19 custody of the Department of Corrections for not more than five (5)
20 years.

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

3 SECTION 2. This act shall become effective November 1, 2020.

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