

1 ENGROSSED SENATE
2 BILL NO. 1674

By: Murdock of the Senate

3 and

4 Pfeiffer of the House

5
6 [Uniform Controlled Dangerous Substances Act -
7 penalties - felony offense - sentencing - exclusions
8 - effective date]
9

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

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

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

22 2. It shall be unlawful for any person to purchase any
23 preparation excepted from the provisions of the Uniform Controlled
24 Dangerous Substances Act pursuant to Section 2-313 of this title in

1 an amount or within a time interval other than that permitted by
2 Section 2-313 of this title.

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

- 12 a. the packaging of the product,
- 13 b. the name of the product, and
- 14 c. the distribution and promotion of the product,
15 including verbal representations made at the point of
16 sale.

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

20 C. Any person who violates any provision of this section by
21 possessing or purchasing from a person one or more of the following
22 controlled dangerous substances: methamphetamine, heroin, cocaine or
23 fentanyl, in, on or within one thousand (1,000) feet of the real
24 property comprising a public or private elementary or secondary

1 school shall be guilty of a felony and punished by imprisonment in
2 the custody of the Department of Corrections for not more than five
3 (5) years.

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

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

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

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

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

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

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Presiding Officer of the Senate

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5 Passed the House of Representatives the ____ day of _____,
6 2020.

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Presiding Officer of the House
of Representatives

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