

ENROLLED HOUSE
BILL NO. 2316

By: Miller (Ray) and Nance of
the House

and

Shurden and Kerr of the
Senate

An Act relating to the Uniform Controlled Dangerous Substances Act; prohibiting possession of certain substances to be used as precursor to make methamphetamine; specifying amount that shall constitute a rebuttable presumption; stating exceptions; stating penalty; prohibiting distribution of methamphetamine precursor; setting penalty; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-332 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. It shall be unlawful for a person to knowingly and unlawfully possess a drug product containing ephedrine, pseudoephedrine or phenylpropanolamine, or their salts, isomers or salts of isomers with intent to use the product as a precursor to manufacture methamphetamine or another controlled substance.

B. Except as provided in this subsection, possession of a drug product containing more than twenty-four (24) grams of ephedrine, pseudoephedrine or phenylpropanolamine, or their salts, isomers or salts of isomers shall constitute a rebuttable presumption of the intent to use the product as a precursor to methamphetamine or another controlled substance. The rebuttable presumption established by this subsection shall not apply to the following persons who are lawfully possessing drug products in the course of legitimate business:

1. A retail distributor of drug products or wholesaler;
2. A wholesale drug distributor, or its agents, licensed by the Board of Pharmacy;
3. A manufacturer of drug products, or its agents, licensed by the Board of Pharmacy;
4. A pharmacist licensed by the Board of Pharmacy; and

5. A licensed healthcare professional possessing the drug products in the course of carrying out his profession.

C. A violation of this section shall be a felony punishable by imprisonment in the State Penitentiary for a term of not more than five (5) years.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-333 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. It shall be unlawful for any person to knowingly and unlawfully sell, transfer, distribute, or dispense any product containing ephedrine, pseudoephedrine or phenylpropanolamine, or their salts, isomers or salts of isomers if the person knows that the purchaser will use the product as a precursor to manufacture methamphetamine or another controlled illegal substance or if the person sells, transfers, distributes or dispenses the product with reckless disregard as to how the product will be used.

B. A violation of this section shall be a felony punishable by imprisonment in the State Penitentiary for a term of not more than ten (10) years.

SECTION 3. This act shall become effective July 1, 2002.

SECTION 4. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 14th day of May, 2002.

Presiding Officer of the House of
Representatives

Passed the Senate the 15th day of May, 2002.

Presiding Officer of the Senate