

EHB 1288

1 THE STATE SENATE  
2 Monday, April 11, 2005

3 ENGROSSED

4 House Bill No. 1288

5 As Amended

6 ENGROSSED HOUSE BILL NO. 1288 - By: COX and NANCE of the House and  
7 PADDACK of the Senate.

8 [ controlled dangerous substances - Schedules I, II and III  
9 of the Uniform Controlled Dangerous Substances Act - adding  
10 substances - effective date ]

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

12 SECTION 1. AMENDATORY 63 O.S. 2001, Section 2-204, is  
13 amended to read as follows:

14 Section 2-204. The controlled substances listed in this section  
15 are included in Schedule I.

16 A. Any of the following opiates, including their isomers,  
17 esters, ethers, salts, and salts of isomers, esters, and ethers,  
18 unless specifically excepted, when the existence of these isomers,  
19 esters, ethers, and salts is possible within the specific chemical  
20 designation:

- 21 1. Acetylmethadol~~;~~i
- 22 2. Allylprodine~~;~~i
- 23 3. Alphacetylmethadol~~;~~i
- 24 4. Alphameprodine~~;~~i
- 25 5. Alphamethadol~~;~~i

- 1        6. Benzethidine-; i
- 2        7. Betacetylmethadol-; i
- 3        8. Betameprodine-; i
- 4        9. Betamethadol-; i
- 5        10. Betaprodine-; i
- 6        11. Clonitazene-; i
- 7        12. Dextromoramide-; i
- 8        13. Dextrorphan (except its methyl ether)-; i
- 9        14. Diampromide-; i
- 10       15. Diethylthiambutene-; i
- 11       16. Dimenoxadol-; i
- 12       17. Dimepheptanol-; i
- 13       18. Dimethylthiambutene-; i
- 14       19. Dioxaphetyl butyrate-; i
- 15       20. Dipipanone-; i
- 16       21. Ethylmethylthiambutene-; i
- 17       22. Etonitazene-; i
- 18       23. Etoxeridine-; i
- 19       24. Furethidine-; i
- 20       25. Hydroxypethidine-; i
- 21       26. Ketobemidone-; i
- 22       27. Levomoramide-; i
- 23       28. Levophenacylmorphan-; i

- 1        29. Morpheridine~~;~~i
- 2        30. Noracymethadol~~;~~i
- 3        31. Norlevorphanol~~;~~i
- 4        32. Normethadone~~;~~i
- 5        33. Norpipanone~~;~~i
- 6        34. Phenadoxone~~;~~i
- 7        35. Phenampromide~~;~~i
- 8        36. Phenomorphan~~;~~i
- 9        37. Phenoperidine~~;~~i
- 10       38. Piritramide~~;~~i
- 11       39. Proheptazine~~;~~i
- 12       40. Properidine~~;~~i
- 13       41. Racemoramide~~;~~
- 14       42. Trimeperidine~~;~~i or
- 15       43. Flunitrazepam.

16       B. Any of the following opium derivatives, their salts,  
17 isomers, and salts of isomers, unless specifically excepted, when  
18 the existence of these salts, isomers, and salts of isomers is  
19 possible within the specific chemical designation:

- 20       1. Acetorphine~~;~~i
- 21       2. Acetyldihydrocodeine~~;~~i
- 22       3. Benzylmorphine~~;~~i
- 23       4. Codeine methylbromide~~;~~i

- 1        5. Codeine-N-Oxide~~;~~i
- 2        6. Cyprenorphine~~;~~i
- 3        7. Desomorphine~~;~~i
- 4        8. Dihydromorphine~~;~~i
- 5        9. Etorphine~~;~~i
- 6        10. Heroin~~;~~i
- 7        11. Hydromorphanol~~;~~i
- 8        12. Methyldesorphine~~;~~i
- 9        13. Methylhydromorphine~~;~~i
- 10       14. Morphine methylbromide~~;~~i
- 11       15. Morphine methylsulfonate~~;~~i
- 12       16. Morphine-N-Oxide~~;~~i
- 13       17. Myrophine~~;~~i
- 14       18. Nicocodeine~~;~~i
- 15       19. Nicomorphin~~;~~i
- 16       20. Normorphine~~;~~i
- 17       21. Phoclodine~~;~~i or
- 18       22. Thebacon.

19        C. Any material, compound, mixture, or preparation which  
20 contains any quantity of the following hallucinogenic substances,  
21 their salts, isomers, and salts of isomers, unless specifically  
22 excepted, when the existence of these salts, isomers, and salts of  
23 isomers is possible within the specific chemical designation:

- 1 1. Methcathinone;i
- 2 2. 3, 4-methylenedioxy amphetamine;i
- 3 3. 3, 4-methylenedioxy methamphetamine;i
- 4 4. 5-methoxy-3, 4-methylenedioxy amphetamine;i
- 5 5. 3, 4, 5-trimethoxy amphetamine;i
- 6 6. Bufotenine;i
- 7 7. Diethyltryptamine;i
- 8 8. Dimethyltryptamine;i
- 9 9. 4-methyl-2, 5-dimethoxyamphetamine;i
- 10 10. Ibogaine;i
- 11 11. Lysergic acid diethylamide;i
- 12 12. Marihuana;i
- 13 13. Mescaline;i
- 14 14. N-ethyl-3-piperidyl benzilate;i
- 15 15. N-methyl-3-piperidyl benzilate;i
- 16 16. Psilocybin;i
- 17 17. Psilocyn;i
- 18 18. 2, 5 dimethoxyamphetamine;i
- 19 19. 4 Bromo-2, 5-dimethoxyamphetamine;i
- 20 20. 4 methoxyamphetamine;i
- 21 21. Cyclohexamine;i

1           22. Thiophene Analog of Phencyclidine. Also known as: 1-(1-(2-  
2 thienyl) cyclohexyl) piperidine; 2-Thienyl Analog of Phencyclidine;  
3 TPCP, TCP-i

4           23. Phencyclidine (PCP)-i; or

5           24. Pyrrolidine Analog for Phencyclidine. Also known as 1-(1-  
6 Phenylcyclohexyl) - Pyrrolidine, PCPy, PHP.

7           D. Unless specifically excepted or unless listed in a different  
8 schedule, any material, compound, mixture, or preparation which  
9 contains any quantity of the following substances having stimulant  
10 or depressant effect on the central nervous system:

11           1. Fenethylline-i;

12           2. Mecloqualone-i;

13           3. N-ethylamphetamine-i;

14           4. Methaqualone-i;

15           5. ~~Gammahydroxybuterate.~~ Gamma-Hydroxybutyric Acid, also known  
16 as GHB, gamma-hydroxybutyrate, 4-hydroxybutyrate, 4-hydroxybutanoic  
17 acid, sodium oxybate, and sodium oxybutyrate;

18           6. Gamma-Butyrolactone (GBL) as packaged, marketed,  
19 manufactured or promoted for human consumption, with the exception  
20 of legitimate food additive and manufacturing purposes;

21           7. Gamma Hydroxyvalerate (GHV) as packaged, marketed, or  
22 manufactured for human consumption, with the exception of legitimate  
23 food additive and manufacturing purposes;

1       8. Gamma Valerolactone (GVL) as packaged, marketed, or  
2 manufactured for human consumption, with the exception of legitimate  
3 food additive and manufacturing purposes; or

4       9. 1,4 Butanediol (1,4 BD or BDO) as packaged, marketed,  
5 manufactured, or promoted for human consumption with the exception  
6 of legitimate manufacturing purposes.

7       E. 1. The following industrial uses of Gamma-Butyrolactone,  
8 Gamma Hydroxyvalerate, Gamma Valerolactone, or 1,4 Butanediol are  
9 excluded from all schedules of controlled substances under this  
10 title:

- 11       a. pesticides,
- 12       b. photochemical etching,
- 13       c. electrolytes of small batteries or capacitors,
- 14       d. viscosity modifiers in polyurethane,
- 15       e. surface etching of metal coated plastics,
- 16       f. organic paint disbursements for water soluble inks,
- 17       g. pH regulators in the dyeing of wool and polyamide
- 18       fibers,
- 19       h. foundry chemistry as a catalyst during curing, and
- 20       i. curing agents in many coating systems based on
- 21       urethanes and amides,
- 22       j. additives and flavoring agents in food, confectionary,  
23       and beverage products,

- 1            k. synthetic fiber and clothing production,
- 2            l. tetrahydrofuran production,
- 3            m. gamma butyrolactone production,
- 4            n. polybutylene terephthalate resin production,
- 5            o. polyester raw materials for polyurethane elastomers
- 6                    and foams,
- 7            p. coating resin raw material, and
- 8            q. as an intermediate in the manufacture of other
- 9                    chemicals and pharmaceuticals.

10            2. At the request of any person, the Director may exempt any  
11 other product containing Gamma-Butyrolactone, Gamma Hydroxyvalerate,  
12 Gamma Valerolactone, or 1,4 Butanediol from being included as a  
13 Schedule I controlled substance if such product is labeled,  
14 marketed, manufactured and distributed for legitimate industrial use  
15 in a manner that reduces or eliminates the likelihood of abuse.

16            3. In making a determination regarding an industrial product,  
17 the Director, after notice and hearing, shall consider the  
18 following:

- 19            a. the history and current pattern of abuse,
- 20            b. the name and labeling of the product,
- 21            c. the intended manner of distribution, advertising and
- 22                    promotion of the product, and

1           d.    other factors as may be relevant to and consistent  
2                   with the public health and safety.

3           4.    The hearing shall be held in accordance with the procedures  
4 of the Administrative Procedures Act.

5           SECTION 2.        AMENDATORY        63 O.S. 2001, Section 2-206, is  
6 amended to read as follows:

7           Section 2-206.   The controlled substances listed in this section  
8 are included in Schedule II.

9           A.    Any of the following substances except those narcotic drugs  
10 listed in other schedules whether produced directly or indirectly by  
11 extraction from substances of vegetable origin, or independently by  
12 means of chemical synthesis, or by combination of extraction and  
13 chemical synthesis:

14          1.    Opium and opiate, and any salt, compound, derivative, or  
15 preparation of opium or opiate~~;~~;

16          2.    Any salt, compound, isomer, derivative, or preparation  
17 thereof which is chemically equivalent or identical with any of the  
18 substances referred to in paragraph 1 of this subsection, but not  
19 including the isoquinoline alkaloids of opium~~;~~;

20          3.    Opium poppy and poppy straw~~;~~; or

21          4.    Coca leaves except coca leaves and extracts of coca leaves  
22 from which cocaine, ecgonine, and derivatives of ecgonine or their  
23 salts have been removed; cocaine, its salts, optical and geometric

1 isomers, and salts of isomers; ecgonine, its derivatives, their  
2 salts, isomers and salts of isomers; or any compound, mixture or  
3 preparation which contains any quantity of any of the substances  
4 referred to in this paragraph.

5 B. Any of the following opiates, including their isomers,  
6 esters, ethers, salts, and salts of isomers, esters and ethers, when  
7 the existence of these isomers, esters, ethers, and salts is  
8 possible within the specific chemical designation:

- 9 1. Alphaprodine~~;~~i
- 10 2. Anileridine~~;~~i
- 11 3. Bezitramide~~;~~i
- 12 4. Dihydrocodeine~~;~~i
- 13 5. Diphenoxylate~~;~~i
- 14 6. Fentanyl~~;~~i
- 15 7. Isomethadone~~;~~i
- 16 8. Levomethorphan~~;~~i
- 17 9. Levorphanol~~;~~i
- 18 10. Metazocine~~;~~i
- 19 11. Methadone~~;~~i
- 20 12. Methadone - Intermediate, 4-cyano-2-dimethylamino-4,  
21 4-diphenyl butane~~;~~i
- 22 13. Moramide - Intermediate, 2-methyl-3-morpholino-1,  
23 1-diphenyl-propane-carboxylic acid~~;~~i

- 1        14. Pethidine- (Meperidine-) i;
- 2        15. Pethidine - Intermediate - A, 4-cyano-1-methyl-4-
- 3 phenylpiperidine- i;
- 4        16. Pethidine - Intermediate - B, ethyl-4-phenylpiperidine-4-
- 5 carboxylate- i;
- 6        17. Pethidine - Intermediate - C, 1-methyl-4-phenylpiperidine-
- 7 4-carboxylic acid- i;
- 8        18. Phenazocine- i;
- 9        19. Piminodine- i;
- 10       20. Racemethorphan- i;
- 11       21. Racemorphan- i;
- 12       22. Etorphine Hydrochloride salt only- i;
- 13       23. Alfentanil hydrochloride- i; or
- 14       24. Levo-alphaacetylmethadol.
- 15       C. Any substance which contains any quantity of:
- 16       1. Methamphetamine, including its salts, isomers, and salts of
- 17 isomers- i; or
- 18       2. Amphetamine, its salts, optical isomers, and salts of its
- 19 optical isomers.
- 20       D. Unless specifically excepted or unless listed in another
- 21 schedule, any material, compound, mixture, or preparation, which
- 22 contains any quantity of the following substances having stimulant
- 23 or depressant effect on the central nervous system:

- 1 1. Phenmetrazine and its salts-i
- 2 2. Methylphenidate-i
- 3 3. Amobarbital-i
- 4 4. Pentobarbital-i; or
- 5 5. Secobarbital.
- 6 ~~6. Tetrahydrocannabinols.~~

7 SECTION 3. AMENDATORY 63 O.S. 2001, Section 2-208, is  
8 amended to read as follows:

9 Section 2-208. The controlled substances listed in this section  
10 are included in Schedule III.

11 A. Unless listed in another schedule, any material, compound,  
12 mixture, or preparation, which contains any quantity of the  
13 following substances or any other substance having a potential for  
14 abuse associated with a stimulant or depressant effect on the  
15 central nervous system:

- 16 1. Any substance which contains any quantity of a derivative of  
17 barbituric acid, or any salt of a derivative of barbituric acid  
18 unless specifically excepted or unless listed in another schedule-i
- 19 2. Chlorhexadol-i
- 20 3. Glutethimide-i
- 21 4. Lysergic acid-i
- 22 5. Lysergic acid amide-i
- 23 6. Methyprylon-i

- 1        7.    Sulfondiethylmethane~~;~~i
- 2        8.    Sulfonethylmethane~~;~~i
- 3        9.    Sulfonmethane~~;~~i
- 4        10.   Benzephetamine and its salts~~;~~i
- 5        11.   Chlorphentermine and its salts~~;~~i
- 6        12.   Clortermine~~;~~i
- 7        13.   Mazindol~~;~~i
- 8        14.   Phendimetrazine~~;~~i
- 9        15.   Phenylacetone (P2P)~~;~~i
- 10       16.   1-Phenycyclohexylamine~~;~~i
- 11       17.   1-Piperidinocyclohexanecarbo nitrile (PCC)~~;~~i
- 12       18.   Ketamine, its salts, isomers, and salts of isomers~~;~~i
- 13       19.   Any material, compound, mixture, or preparation which
- 14       contains any quantity of the following hormonal substances or
- 15       steroids, including their salts, isomers, esters and salts of
- 16       isomers and esters, when the existence of these salts, isomers,
- 17       esters, and salts of isomers and esters is possible within the
- 18       specific chemical designation:
- 19            a.    Boldenone,
- 20            b.    Chlorotestosterone,
- 21            c.    Clostebol,
- 22            d.    Dehydrochlormethyltestosterone,
- 23            e.    Dihydrotestosterone,

- 1 f. Drostanolone,  
2 g. Ethylestrenol,  
3 h. Fluoxymesterone,  
4 i. Formebolone,  
5 j. Mesterolone,  
6 k. Methandienone,  
7 l. Methandranone,  
8 m. Methandriol,  
9 n. Methandrostenolone,  
10 o. Methenolone,  
11 p. Methyltestosterone, except as provided in subsection E  
12 of this section,  
13 q. Mibolerone,  
14 r. Nandrolone,  
15 s. Norethandrolone,  
16 t. Oxandrolone,  
17 u. Oxymesterone,  
18 v. Oxymetholone,  
19 w. Stanolone,  
20 x. Stanozolol,  
21 y. Testolactone,  
22 z. Testosterone, except as provided in subsection E of  
23 this section, and

1           aa. Trenbolone;  
2           20. Tetrahydrocannabinols; or  
3           21. Any drug product containing gamma-hydroxybutyric acid,  
4           including its salts, isomers, and salts of isomers, for which an  
5           application has been approved under Section 505 of the Federal Food,  
6           Drug, and Cosmetic Act.

7           Livestock implants as regulated by the Federal Food and Drug  
8           Administration shall be exempt.

9           B. Nalorphine.

10          C. Unless listed in another schedule, any material, compound,  
11          mixture, or preparation containing limited quantities of any of the  
12          following narcotic drugs, or any salts thereof:

13           1. Not more than one and eight-tenths (1.8) grams of codeine or  
14           any of its salts, per one hundred (100) milliliters or not more than  
15           ninety (90) milligrams per dosage unit, with an equal or greater  
16           quantity of an isoquinoline alkaloid of opium;

17           2. Not more than one and eight-tenths (1.8) grams of codeine or  
18           any of its salts, per one hundred (100) milliliters or not more than  
19           ninety (90) milligrams per dosage unit, with one or more active,  
20           nonnarcotic ingredients in recognized therapeutic amounts;

21           3. Not more than three hundred (300) milligrams of  
22           dihydrocodeinone or any of its salts, per one hundred (100)  
23           milliliters or not more than fifteen (15) milligrams per dosage

1 unit, with a fourfold or greater quantity of an isoquinoline  
2 alkaloid of opium;

3 4. Not more than three hundred (300) milligrams of  
4 dihydrocodeinone or any of its salts, per one hundred (100)  
5 milliliters or not more than fifteen (15) milligrams per dosage  
6 unit, with one or more active, nonnarcotic ingredients in recognized  
7 therapeutic amounts;

8 5. Not more than one and eight-tenths (1.8) grams of  
9 dihydrocodeine or any of its salts, per one hundred (100)  
10 milliliters or not more than ninety (90) milligrams per dosage unit,  
11 with one or more active, nonnarcotic ingredients in recognized  
12 therapeutic amounts;

13 6. Not more than three hundred (300) milligrams of  
14 ethylmorphine or any of its salts, per one hundred (100) milliliters  
15 or not more than fifteen (15) milligrams per dosage unit, with one  
16 or more ingredients in recognized therapeutic amounts;

17 7. Not more than five hundred (500) milligrams of opium per one  
18 hundred (100) milliliters or per one hundred (100) grams, or not  
19 more than twenty-five (25) milligrams per dosage unit, with one or  
20 more active, nonnarcotic ingredients in recognized therapeutic  
21 amounts; or

22 8. Not more than fifty (50) milligrams of morphine or any of  
23 its salts, per one hundred (100) milliliters or per one hundred

1 (100) grams with one or more active, nonnarcotic ingredients in  
2 recognized therapeutic amounts.

3 D. The Board of Pharmacy may except by rule any compound,  
4 mixture, or preparation containing any stimulant or depressant  
5 substance listed in subsections A and B of this section from the  
6 application of all or any part of the Uniform Controlled Dangerous  
7 Substances Act if the compound, mixture, or preparation contains one  
8 or more active medicinal ingredients not having a stimulant or  
9 depressant effect on the central nervous system, and if the  
10 admixtures are included therein in combinations, quantity,  
11 proportion, or concentration that vitiate the potential for abuse of  
12 the substances which have a stimulant or depressant effect on the  
13 central nervous system.

14 E. The following hormonal substances or steroids are exempt  
15 from classification as Schedule III controlled dangerous substances:

16 1. Estratest, containing 1.25 mg esterified estrogens and 2.5  
17 mg methyltestosterone;

18 2. Estratest HS, containing 0.625 mg esterified estrogens and  
19 1.25 mg methyltestosterone;

20 3. Premarin with Methyltestosterone, containing 1.25 mg  
21 conjugated estrogens and 10.0 mg methyltestosterone;

22 4. Premarin with Methyltestosterone, containing 0.625 mg  
23 conjugated estrogens and 5.0 mg methyltestosterone;

1           5. Testosterone Cypionate - Estrodiol Cypionate injection,  
2 containing 50 mg/ml Testosterone Cypionate; and

3           6. Testosterone Enanthate - Estradiol Valerate injection,  
4 containing 90 mg/ml Testosterone Enanthate and 4 mg/ml Estradiol  
5 Valerate.

6           SECTION 4.           AMENDATORY           63 O.S. 2001, Section 2-401, as  
7 last amended by Section 2, Chapter 396, O.S.L. 2004 (63 O.S. Supp.  
8 2004, Section 2-401), is amended to read as follows:

9           Section 2-401. A. Except as authorized by the Uniform  
10 Controlled Dangerous Substances Act is shall be unlawful for any  
11 person:

12           1. To distribute, dispense, transport with intent to distribute  
13 or dispense, possess with intent to manufacture, distribute, or  
14 dispense, a controlled dangerous substance or to solicit the use of  
15 or use the services of a person less than eighteen (18) years of age  
16 to cultivate, distribute or dispense a controlled dangerous  
17 substance;

18           2. To create, distribute, transport with intent to distribute  
19 or dispense, or possess with intent to distribute, a counterfeit  
20 controlled dangerous substance; or

21           3. To distribute any imitation controlled substance as defined  
22 by Section 2-101 of this title, except when authorized by the Food

1 and Drug Administration of the United States Department of Health  
2 and Human Services.

3 B. Any person who violates the provisions of this section with  
4 respect to:

5 1. A substance classified in Schedule I or II which is a  
6 narcotic drug ~~or~~, lysergic acid diethylamide (LSD), gamma  
7 butyrolactone, gamma hydroxyvalerate, gamma valerolactone, 1,4  
8 butanediol, or gamma-hydroxybutyric acid as defined in Sections 2-  
9 204 and 2-208 of this title, upon conviction, shall be guilty of a  
10 felony and shall be sentenced to a term of imprisonment for not less  
11 than five (5) years nor more than life and a fine of not more than  
12 One Hundred Thousand Dollars (\$100,000.00), which shall be in  
13 addition to other punishment provided by law and shall not be  
14 imposed in lieu of other punishment. Any sentence to the custody of  
15 the Department of Corrections shall not be subject to statutory  
16 provisions for suspended sentences, deferred sentences, or probation  
17 except when the conviction is for a first offense;

18 2. Any other controlled dangerous substance classified in  
19 Schedule I, II, III, or IV, upon conviction, shall be guilty of a  
20 felony and shall be sentenced to a term of imprisonment for not less  
21 than two (2) years nor more than life and a fine of not more than  
22 Twenty Thousand Dollars (\$20,000.00), which shall be in addition to  
23 other punishment provided by law and shall not be imposed in lieu of

1 other punishment. Any sentence to the custody of the Department of  
2 Corrections shall not be subject to statutory provisions for  
3 suspended sentences, deferred sentences, or probation except when  
4 the conviction is for a first offense;

5 3. A substance classified in Schedule V, upon conviction, shall  
6 be guilty of a felony and shall be sentenced to a term of  
7 imprisonment for not more than five (5) years and a fine of not more  
8 than One Thousand Dollars (\$1,000.00), which shall be in addition to  
9 other punishment provided by law and shall not be imposed in lieu of  
10 other punishment; or

11 4. An imitation controlled substance as defined by Section 2-  
12 101 of this title, upon conviction, shall be guilty of a misdemeanor  
13 and shall be sentenced to a term of imprisonment in the county jail  
14 for a period of not more than one (1) year and a fine of not more  
15 than One Thousand Dollars (\$1,000.00). A person convicted of a  
16 second violation of the provisions of this paragraph shall be guilty  
17 of a felony and shall be sentenced to a term of imprisonment for not  
18 more than five (5) years and a fine of not more than Five Thousand  
19 Dollars (\$5,000.00), which shall be in addition to other punishment  
20 provided by law and shall not be imposed in lieu of other  
21 punishment.

22 C. 1. Except when authorized by the Food and Drug  
23 Administration of the United States Department of Health and Human

1 Services, it shall be unlawful for any person to manufacture,  
2 cultivate, distribute, or possess with intent to distribute a  
3 synthetic controlled substance.

4 2. Any person convicted of violating the provisions of this  
5 paragraph is guilty of a felony and shall be punished by  
6 imprisonment in the State Penitentiary for a term not to exceed life  
7 and a fine of not more than Twenty-five Thousand Dollars  
8 (\$25,000.00), which shall be in addition to other punishment  
9 provided by law and shall not be imposed in lieu of other  
10 punishment.

11 3. A second or subsequent conviction for the violation of the  
12 provisions of this paragraph is a felony punishable as a habitual  
13 offender pursuant to Section 51.1 of Title 21 of the Oklahoma  
14 Statutes.

15 4. In addition the violator shall be fined an amount not more  
16 than One Hundred Thousand Dollars (\$100,000.00), which shall be in  
17 addition to other punishment provided by law and shall not be  
18 imposed in lieu of other punishment.

19 D. 1. Any person convicted of a second or subsequent felony  
20 violation of the provisions of this section, except for paragraph 4  
21 of subsection B of this section, shall be punished as a habitual  
22 offender pursuant to Section 51.1 of Title 21 of the Oklahoma  
23 Statutes.

1           2. In addition the violator shall be fined twice the fine  
2 otherwise authorized, which shall be in addition to other punishment  
3 provided by law and shall not be imposed in lieu of other  
4 punishment.

5           3. Convictions for second or subsequent violations of the  
6 provisions of this section shall not be subject to statutory  
7 provisions for suspended sentences, deferred sentences, or  
8 probation.

9           E. Any person who is at least eighteen (18) years of age and  
10 who violates the provisions of this section by using or soliciting  
11 the use of services of a person less than eighteen (18) years of age  
12 to distribute, dispense, transport with intent to distribute or  
13 dispense or cultivate a controlled dangerous substance or by  
14 distributing a controlled dangerous substance to a person under  
15 eighteen (18) years of age is punishable by twice the fine and by  
16 twice the imprisonment otherwise authorized.

17           F. Any person who violates any provision of this section by  
18 transporting with intent to distribute or dispense, distributing or  
19 possessing with intent to distribute a controlled dangerous  
20 substance to a person, or violation of subsection G of this section,  
21 in or on, or within two thousand (2,000) feet of the real property  
22 comprising a public or private elementary or secondary school,  
23 public vocational school, public or private college or university,

1 or other institution of higher education, recreation center or  
2 public park, including state parks and recreation areas, public  
3 housing project, or child care facility as defined by Section 402 of  
4 Title 10 of the Oklahoma Statutes shall be punished by:

5 1. For a first offense, a term of imprisonment, or by the  
6 imposition of a fine or by both, not exceeding twice that authorized  
7 by the appropriate provision of this section and shall serve a  
8 minimum of fifty percent (50%) of the sentence received prior to  
9 becoming eligible for state correctional institution earned credits  
10 toward the completion of said sentence; or

11 2. For a second or subsequent offense, a term of imprisonment  
12 as provided for a habitual offender pursuant to Section 51.1 of  
13 Title 21 of the Oklahoma Statutes. In addition the violator shall  
14 serve eighty-five percent (85%) of the sentence received prior to  
15 becoming eligible for state correctional institution earned credits  
16 toward the completion of said sentence or eligibility for parole.

17 G. 1. Except as authorized by the Uniform Controlled Dangerous  
18 Substances Act, it shall be unlawful for any person to manufacture  
19 or attempt to manufacture any controlled dangerous substance or  
20 possess any substance listed in Section 2-322 of this title or any  
21 substance containing any detectable amount of pseudoephedrine or its  
22 salts, optical isomers or salts of optical isomers, iodine or its  
23 salts, optical isomers or salts of optical isomers, hydriodic acid,

1 sodium metal, lithium metal, anhydrous ammonia, phosphorus, or  
2 organic solvents with the intent to use that substance to  
3 manufacture a controlled dangerous substance.

4 2. Any person violating the provisions of this subsection with  
5 respect to the unlawful manufacturing or attempting to unlawfully  
6 manufacture any controlled dangerous substance, or possessing any  
7 substance listed in this subsection or Section 2-322 of this title,  
8 upon conviction, is guilty of a felony and shall be punished by  
9 imprisonment in the State Penitentiary for not less than seven (7)  
10 years nor more than life and by a fine of not less than Fifty  
11 Thousand Dollars (\$50,000.00), which shall be in addition to other  
12 punishment provided by law and shall not be imposed in lieu of other  
13 punishment. The possession of any amount of anhydrous ammonia in an  
14 unauthorized container shall be prima facie evidence of intent to  
15 use such substance to manufacture a controlled dangerous substance.

16 3. Any person violating the provisions of this subsection with  
17 respect to the unlawful manufacturing or attempting to unlawfully  
18 manufacture any controlled dangerous substance in the following  
19 amounts:

- 20 a. one (1) kilogram or more of a mixture or substance  
21 containing a detectable amount of heroin,  
22 b. five (5) kilograms or more of a mixture or substance  
23 containing a detectable amount of:

- 1           (1) coca leaves, except coca leaves and extracts of  
2           coca leaves from which cocaine, ecgonine, and  
3           derivatives of ecgonine or their salts have been  
4           removed,  
5           (2) cocaine, its salts, optical and geometric  
6           isomers, and salts of isomers,  
7           (3) ecgonine, its derivatives, their salts, isomers,  
8           and salts of isomers, or  
9           (4) any compound, mixture, or preparation which  
10          contains any quantity of any of the substances  
11          referred to in divisions (1) through (3) of this  
12          subparagraph,  
13          c. fifty (50) grams or more of a mixture or substance  
14          described in division (2) of subparagraph b of this  
15          paragraph which contains cocaine base,  
16          d. one hundred (100) grams or more of phencyclidine (PCP)  
17          or 1 kilogram or more of a mixture or substance  
18          containing a detectable amount of phencyclidine (PCP),  
19          e. ten (10) grams or more of a mixture or substance  
20          containing a detectable amount of lysergic acid  
21          diethylamide (LSD),  
22          f. four hundred (400) grams or more of a mixture or  
23          substance containing a detectable amount of N-phenyl-

1 N-[1-(2-phenylethyl)-4-piperidinyl] propanamide or 100  
2 grams or more of a mixture or substance containing a  
3 detectable amount of any analogue of N-phenyl-N-[1-(2-  
4 phenylethyl)-4-piperidinyl] propanamide,  
5 g. one thousand (1,000) kilograms or more of a mixture or  
6 substance containing a detectable amount of marijuana  
7 or one thousand (1000) or more marijuana plants  
8 regardless of weight, or  
9 h. fifty (50) grams or more of methamphetamine, its  
10 salts, isomers, and salts of its isomers or 500 grams  
11 or more of a mixture or substance containing a  
12 detectable amount of methamphetamine, its salts,  
13 isomers, or salts of its isomers,  
14 upon conviction, is guilty of aggravated manufacturing a controlled  
15 dangerous substance punishable by imprisonment in the State  
16 Penitentiary for not less than twenty (20) years nor more than life  
17 and by a fine of not less than Fifty Thousand Dollars (\$50,000.00),  
18 which shall be in addition to other punishment provided by law and  
19 shall not be imposed in lieu of other punishment. Any person  
20 convicted of a violation of the provisions of this paragraph shall  
21 be required to serve a minimum of eighty-five percent (85%) of the  
22 sentence received prior to becoming eligible for state correctional

1 earned credits towards the completion of the sentence or eligible  
2 for parole.

3 4. Any sentence to the custody of the Department of Corrections  
4 for any violation of paragraph 3 of this subsection shall not be  
5 subject to statutory provisions for suspended sentences, deferred  
6 sentences, or probation. A person convicted of a second or  
7 subsequent violation of the provisions of paragraph 3 of this  
8 subsection shall be punished as a habitual offender pursuant to  
9 Section 51.1 of Title 21 of the Oklahoma Statutes and shall be  
10 required to serve a minimum of eighty-five percent (85%) of the  
11 sentence received prior to becoming eligible for state correctional  
12 earned credits or eligibility for parole.

13 H. Any person convicted of any offense described in the Uniform  
14 Controlled Dangerous Substances Act may, in addition to the fine  
15 imposed, be assessed an amount not to exceed ten percent (10%) of  
16 the fine imposed. Such assessment shall be paid into a revolving  
17 fund for enforcement of controlled dangerous substances created  
18 pursuant to Section 2-506 of this title.

19 I. Any person convicted of any offense described in this  
20 section shall, in addition to any fine imposed, pay a special  
21 assessment trauma-care fee of One Hundred Dollars (\$100.00) to be  
22 deposited into the Trauma Care Assistance Revolving Fund created in  
23 Section 1-2522 of this title.

1 J. For purposes of this section, "public housing project" means  
2 any dwelling or accommodations operated as a state or federally  
3 subsidized multifamily housing project by any housing authority,  
4 nonprofit corporation or municipal developer or housing projects  
5 created pursuant to the Oklahoma Housing Authorities Act.

6 K. When a person is found guilty of a violation of the  
7 provisions of this section, the court shall order, in addition to  
8 any other penalty, the defendant to pay a one-hundred-dollar  
9 assessment to be deposited in the Drug Abuse Education and Treatment  
10 Revolving Fund created in Section 2-503.2 of this title, upon  
11 collection.

12 SECTION 5. This act shall become effective November 1, 2005.

13 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 4-6-05 - DO  
14 PASS, As Amended.