

1 ENGROSSED SENATE
2 BILL NO. 1794

By: Laster of the Senate

and

Derby of the House

3
4
5
6
7 [public health and safety - sale of
8 dextromethorphan - codification -
9 effective date]

10

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

12 SECTION 1. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 2-611 of Title 63, unless there
14 is created a duplication in numbering, reads as follows:

15 A. Any person purchasing, receiving, or otherwise acquiring any
16 compound, mixture, or preparation containing any detectible quantity
17 of dextromethorphan or any spray paint product shall produce a valid
18 driver license or other state-issued identification card showing the
19 date of birth of the person.

20 B. It shall be unlawful for any person to dispense, sell,
21 distribute or purchase any compound, mixture, or preparation
22 containing any detectible quantity of dextromethorphan or any spray
23 paint product to a person who is under eighteen (18) years of age.
24 Any person convicted of violating the provisions of this section

1 shall be guilty of a misdemeanor and may be punished by a fine not
2 more than Five Hundred Dollars (\$500.00) on first offense nor more
3 than Two Thousand Five Hundred Dollars (\$2,500.00) on each
4 subsequent offense.

5 SECTION 2. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 2-612 of Title 63, unless there
7 is created a duplication in numbering, reads as follows:

8 A. It shall be unlawful for any person or entity to dispense,
9 sell or distribute any compound, mixture, or preparation containing
10 any detectible quantity of unfinished dextromethorphan in the state
11 unless it is sold to purchasers licensed by the United States Food
12 and Drug Administration.

13 B. Any person possessing unfinished dextromethorphan shall
14 register with the Oklahoma State Bureau of Narcotics and Dangerous
15 Drugs Control.

16 C. Any sale or transfer of unfinished dextromethorphan shall be
17 reported to the Oklahoma State Bureau of Narcotics and Dangerous
18 Drugs Control.

19 D. Any person or entity violating any provision of this section
20 shall be guilty of a felony and shall be punished by a fine not less
21 than Two Thousand Five Hundred Dollars (\$2,500.00) nor more than
22 Five Thousand Dollars (\$5,000.00), by imprisonment in the custody of
23 the Department of Corrections for a period not to exceed five (5)
24 years, or by both such fine and imprisonment.

1 SECTION 3. AMENDATORY 70 O.S. 2001, Section 1210.223, is
2 amended to read as follows:

3 Section 1210.223 The purpose of ~~this act~~ the Drug Abuse
4 Education Act of 1972 is to authorize the development of a
5 comprehensive drug abuse education program for children and youth in
6 kindergarten and grades one through twelve in the public school
7 districts of this state which choose to participate. It is the
8 legislative intent that this program may teach the adverse and
9 dangerous effects of drugs, including illicit drugs, prescription
10 drugs, and over-the-counter medications, as well as household items,
11 on the human mind and body and may include proper usage of
12 prescription and nonprescription medicines.

13 SECTION 4. This act shall become effective November 1, 2008.
14 Passed the Senate the 25th day of February, 2008.

15
16 _____
17 Presiding Officer of the Senate

18 Passed the House of Representatives the ____ day of _____,
19 2008.

20
21 _____
22 Presiding Officer of the House
23 of Representatives
24