

1 ENGROSSED HOUSE
2 BILL NO. 1798

By: Tibbs and Roan of the House
and
David of the Senate

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7 An Act relating to public health and safety; amending
8 63 O.S. 2001, Section 2-509, which relates to the
9 Uniform Controlled Dangerous Substances Act; making
certain acts unlawful; and providing an effective
date.

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

SECTION 1. AMENDATORY 63 O.S. 2001, Section 2-509, is
amended to read as follows:

Section 2-509. A. All species of plants from which controlled
dangerous substances in Schedules I and II may be derived are hereby
declared inimical to health and welfare of the public, and the
intent of the Legislature is to control and eradicate these species
of the plants in the State of Oklahoma.

B. It shall be unlawful for any person to cultivate or produce,
or to knowingly permit the cultivation, production, or wild growing
of any species of such plants, on any lands owned or controlled by
such person, and it is hereby declared the duty of every such person

1 to destroy all such plants found growing on lands owned or
2 controlled by him.

3 C. 1. Whenever any peace officer of the state shall receive
4 information that any species of any such plants has been found
5 growing on any private lands in the State of Oklahoma, he shall
6 notify the sheriff and county commissioners of the county wherein
7 such plants are found growing. Within five (5) days of receipt of
8 such notice, the county commissioners shall notify the owner or
9 person in possession of such lands that such plants have been found
10 growing on the said lands and that the same must be destroyed or
11 eradicated within fifteen (15) days. When the fifteen (15) days
12 have elapsed, the reporting peace officer shall cause an
13 investigation to be made of the aforesaid lands, and if any such
14 plants be found growing thereon, the commissioners shall cause the
15 same to be destroyed or eradicated by either cutting and burning or
16 by applications of herbicides approved for such purpose by the
17 Department of Agriculture in accordance with Section 2-505 of this
18 title.

19 2. Whenever any such plants are destroyed or eradicated by
20 order of the commissioners as provided herein, the cost of the same
21 shall, if the work or labor be furnished by the commissioners, be
22 taxed against the lands whereon the work was performed, and shall be
23 a lien upon such land in all manner and respects as a lien of
24 judgment, if the owner is charged with a violation of subsection B

1 of this section. If the violation of subsection B of this section
2 is by a person other than the owner of the land, without the
3 knowledge of the owner, the costs shall be paid by the initiating
4 law enforcement agency.

5 D. Knowingly violating the provisions of subsection B or
6 subsection H of this section is hereby declared, as to the owner, or
7 person in possession of such lands, to be a felony and punishable as
8 such by a fine not to exceed Fifty Thousand Dollars (\$50,000.00) and
9 imprisonment in the ~~State Penitentiary~~ custody of the Department of
10 Corrections for not less than two (2) years nor more than life. The
11 fine provided for in this subsection shall be in addition to other
12 punishments provided by law and shall not be in lieu of other
13 punishment. Any person convicted of a second or subsequent
14 violation of subsection B or subsection H of this section is
15 punishable by a term of imprisonment twice that otherwise authorized
16 and by twice the fine otherwise authorized. Any sentence shall not
17 be subject to statutory provisions for suspended sentences, deferred
18 sentences, or probation, except when the conviction is for a first
19 offense.

20 E. It shall be the duty of any peace officer of the State of
21 Oklahoma who receives information of such plants growing in the
22 State of Oklahoma, to make notice, in writing, to the Oklahoma State
23 Bureau of Narcotics and Dangerous Drugs Control and the future
24 destruction or eradication of the annual growth of such plants shall

1 be supervised by the Oklahoma State Bureau of Narcotics and
2 Dangerous Drugs Control. Any destruction or eradication of the
3 annual growth of such plants supervised by the Bureau shall be by
4 cutting and burning the same or by destruction and eradication
5 through applications of herbicides approved for such purpose by the
6 Department of Agriculture.

7 F. Any application of herbicides authorized by this section
8 shall be made pursuant to the provisions of Section 2-505 of this
9 title.

10 G. In lieu of the eradication procedures provided for in
11 subsections B and C of this section, all species of plants from
12 which controlled dangerous substances in Schedules I and II of the
13 Uniform Controlled Dangerous Substances Act may be derived, may be
14 disposed of pursuant to the provisions of subsection C of Section 2-
15 505 of this title.

16 H. Except as authorized by the Uniform Controlled Dangerous
17 Substances Act, it shall be unlawful for any person to manufacture
18 or attempt to manufacture any controlled dangerous substance by
19 cooking, burning, or extracting and converting or attempting to
20 extract and convert marihuana or marihuana oil into hashish, hashish
21 oil or hashish powder.

22 SECTION 2. This act shall become effective November 1, 2011.
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1 Passed the House of Representatives the 17th day of March, 2011.

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4 Presiding Officer of the House of
Representatives

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6 Passed the Senate the ____ day of _____, 2011.

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9 Presiding Officer of the Senate