

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 HOUSE BILL 1499

By: Shelton

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5
6 AS INTRODUCED

7 An Act relating to public health and safety; amending
8 Section 1, Chapter 323, O.S.L. 2010 (63 O.S. Supp.
9 2010, Section 2-101.2), which relates to the Uniform
10 Controlled Dangerous Substances Act; modifying
11 definition; clarifying scope of certain prohibited
12 act; and providing an effective date.

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

14 SECTION 1. AMENDATORY Section 1, Chapter 323, O.S.L.
15 2010 (63 O.S. Supp. 2010, Section 2-101.2), is amended to read as
16 follows:

17 Section 2-101.2 A. As used in this section:

18 1. "Glass tube" means an object which meets all of the
19 following requirements:

- 20 a. a hollow glass cylinder, either open or closed at
21 either end,
22 b. not less than two (2) nor more than seven (7) inches
23 in length,
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- 1 c. not less than one-eighth (1/8) inch nor more than
2 three-fourths (3/4) inch in diameter,
- 3 d. may be used to facilitate, or intended or designed to
4 facilitate, violations of the Uniform Controlled
5 Dangerous Substances Act including, but not limited
6 to, processing, preparing, testing, analyzing,
7 packaging, repackaging, storing, containing, and
8 concealing controlled substances and injecting,
9 ingesting, inhaling, or otherwise introducing
10 controlled dangerous substances into the human body,
11 and
- 12 e. sold individually, or in connection with another
13 object such as a novelty holder, flower vase, or pen
14 and commonly used for the purpose of injecting,
15 ingesting, inhaling, or otherwise introducing
16 controlled dangerous substances into the human body.

17 The foregoing descriptions are intended to be
18 illustrative and not exclusive;

19 2. "Patron" means a person who enters a business for the
20 purpose of purchasing or viewing as a shopper, merchandise offered
21 for sale at the business; and

22 3. "Retailer" means a person, corporation, or partnership
23 primarily engaged in the sale of consumable goods and services
24 including, but not limited to, food and gasoline, at retail to the

1 general public. A retailer shall not include any person,
2 corporation, or partnership that sells specialized laboratory
3 equipment for research or educational purposes.

4 B. It shall be unlawful for a retailer within the State of
5 Oklahoma to offer for retail sale to any patron a glass tube, as
6 defined in subsection A of this section, for whom the retailer has
7 reason or should have reason to believe that the patron intends to
8 use the item for injecting, ingesting, inhaling, or otherwise
9 introducing a controlled dangerous substance into his or her own
10 body.

11 C. A retailer, or an employee of the retailer, who willfully
12 and knowingly violates the provisions of subsection B of this
13 section shall, upon conviction, be guilty of a misdemeanor
14 punishable by incarceration in the county jail for not more than one
15 (1) year, or by a fine of not less than One Thousand Dollars
16 (\$1,000.00), or by both such fine and imprisonment.

17 SECTION 2. This act shall become effective November 1, 2011.

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19 53-1-5157 GRS 01/03/11

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