

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 SENATE BILL 1064

By: Stanislawski

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5
6 AS INTRODUCED

7 An Act relating to the Precursor Substances Act of
8 the Uniform Controlled Dangerous Substances Act;
9 amending 63 O.S. 2011, Section 2-332, which relates
10 to possession of substances as a precursor to the
11 manufacture of certain controlled substances; making
12 language gender neutral; adding exception to a
13 certain rebuttable presumption; and providing an
14 effective date.

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

16 SECTION 1. AMENDATORY 63 O.S. 2011, Section 2-332, is
17 amended to read as follows:

18 Section 2-332. A. It shall be unlawful for a person to
19 knowingly and unlawfully possess a drug product containing
20 ephedrine, pseudoephedrine or phenylpropanolamine, or their salts,
21 isomers or salts of isomers with intent to use the product as a
22 precursor to manufacture methamphetamine or another controlled
23 substance.

24 B. Except as provided in this subsection, possession of a drug
product containing more than nine (9) grams of ephedrine,
pseudoephedrine or phenylpropanolamine, or their salts, isomers or

1 salts of isomers shall constitute a rebuttable presumption of the
2 intent to use the product as a precursor to methamphetamine or
3 another controlled substance. The rebuttable presumption
4 established by this subsection shall not apply to the following
5 persons who are lawfully possessing drug products in the course of
6 legitimate business:

7 1. A retail distributor of drug products or wholesaler;

8 2. A wholesale drug distributor, or its agents, licensed by the
9 Board of Pharmacy;

10 3. A manufacturer of drug products, or its agents, licensed by
11 the Board of Pharmacy;

12 4. A pharmacist licensed by the Board of Pharmacy; ~~and~~

13 5. A licensed healthcare professional possessing the drug
14 products in the course of carrying out his or her profession; and

15 6. A person not subject to the provisions of Section 2-701 of
16 this title with a valid prescription for pseudoephedrine.

17 C. A violation of this section shall be a felony punishable as
18 provided for in subsection G of Section 2-401 of this title.

19 D. Any wholesaler, manufacturer, or distributor of drug
20 products containing pseudoephedrine or phenylpropanolamine, or their
21 salts, isomers, or salts of isomers shall obtain a registration
22 annually from the Oklahoma State Bureau of Narcotics and Dangerous
23 Drugs Control. Any such wholesaler, manufacturer, or distributor
24 shall keep complete records of all transactions involving such drug

1 products including the names of all parties involved in the
2 transaction and amount of the drug products involved. The records
3 shall be kept readily retrievable and separate from all other
4 invoices or records of transactions not involving such drug
5 products, and shall be maintained for not less than three (3) years.

6 E. As used in this section:

7 1. "Manufacturer" means any person within this state who
8 produces, compounds, packages, or in any manner initially prepares
9 for sale or use any drug product described in subsection D of this
10 section, or any such person in another state if they cause the
11 products to be compounded, packaged, or transported into this state;

12 2. "Wholesaler" means any person within this state or another
13 state, other than a manufacturer, who sells, transfers, or in any
14 manner furnishes a drug product described in subsection A of this
15 section to any other person in this state for the purpose of being
16 resold;

17 3. "Distributor" means any person within this state or another
18 state, other than a manufacturer or wholesaler, who sells, delivers,
19 transfers, or in any manner furnishes a drug product described in
20 subsection A of this section to any person who is not the ultimate
21 user or consumer of the product; and

22 4. "Readily retrievable" means available for inspection without
23 prior notice at the registration address if that address is within
24 the State of Oklahoma. If the registration address is in a state

1 other than Oklahoma, it means records must be furnished within three
2 (3) working days by courier, facsimile, mail or electronic mail.

3 F. Any substances possessed without a registration as provided
4 in subsection D of this section shall be subject to forfeiture upon
5 conviction for a violation of this section.

6 G. In addition to any administrative penalties provided by law,
7 any violation of this section shall be a misdemeanor, punishable
8 upon conviction by a fine only in an amount not more than Ten
9 Thousand Dollars (\$10,000.00).

10 SECTION 2. This act shall become effective November 1, 2012.

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