

1 STATE OF OKLAHOMA

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

3 SENATE BILL 237

By: David

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5  
6 AS INTRODUCED

7 An Act relating to Uniform Controlled Dangerous  
8 Substances; amending 63 O.S. 2001, Section 2-407.1,  
9 as amended by Section 8, Chapter 396, O.S.L. 2004 (63  
10 O.S. Supp. 2010, Section 2-407.1), which relates to  
11 prohibited uses of compounds, liquids, or chemicals;  
12 prohibiting certain uses and conduct related to  
13 certain substance; providing an effective date; and  
14 declaring an emergency.

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

16 SECTION 1. AMENDATORY 63 O.S. 2001, Section 2-407.1, as  
17 amended by Section 8, Chapter 396, O.S.L. 2004 (63 O.S. Supp. 2010,  
18 Section 2-407.1), is amended to read as follows:

19 Section 2-407.1 A. For the purpose of inducing intoxication or  
20 distortion or disturbance of the auditory, visual, muscular, or  
21 mental process, no person shall ingest, use, or possess any  
22 compound, liquid, or chemical which contains ethylchloride, butyl  
23 nitrite, isobutyl nitrite, secondary butyl nitrite, tertiary butyl  
24 nitrite, amyl nitrite, isopropyl nitrite, isopentyl nitrite, or  
mixtures containing butyl nitrite, isobutyl nitrite, secondary butyl  
nitrite, tertiary butyl nitrite, amyl nitrite, isopropyl nitrite,

1 isopentyl nitrite, or any of their esters, isomers, or analogues, or  
2 any other similar compound.

3 B. No person shall ingest, inhale, use, possess, or distribute  
4 any naturally occurring substance, compound, liquid, or chemical  
5 including, but not limited to, Datura Stramonium commonly known as  
6 Jimson weed or Jimson weed seeds for the purpose of inducing  
7 intoxication or distortion or disturbance of the auditory, visual,  
8 muscular, or mental process.

9 C. No person shall possess, buy, sell, or otherwise transfer  
10 any substance specified in subsection A or B of this section for the  
11 purpose of inducing or aiding any other person to inhale or ingest  
12 such substance or otherwise violate the provisions of this section.

13 ~~C.~~ D. The provisions of subsections A, ~~and B~~ and C of this  
14 section shall not apply to:

15 1. The possession and use of a substance specified in  
16 subsection A of this section which is used as part of the care or  
17 treatment by a licensed physician of a disease, condition or injury  
18 or pursuant to a prescription of a licensed physician; and

19 2. The possession of a substance specified in subsection A of  
20 this section which is used as part of a known manufacturing process  
21 or industrial operation when the possessor has obtained a permit  
22 from the State Department of Health.

23 ~~D.~~ E. The State Board of Health shall promulgate rules and  
24 regulations establishing procedures for the application, form and

1 issuance of a permit to legitimate manufacturing and industrial  
2 applicants as provided for in subsection ~~E~~ D of this section.

3 ~~E~~ F. Any person convicted of violating any provision of  
4 subsection A ~~or~~, B or C of this section shall be guilty of a  
5 misdemeanor punishable by imprisonment in the county jail not to  
6 exceed ninety (90) days or by the imposition of a fine not to exceed  
7 Five Hundred Dollars (\$500.00), or by both such imprisonment and  
8 fine. Each violation shall be considered a separate offense.

9 ~~F~~ G. Any person convicted of any offense described in this  
10 section shall, in addition to any fine imposed, pay a special  
11 assessment trauma-care fee of One Hundred Dollars (\$100.00) to be  
12 deposited into the Trauma Care Assistance Revolving Fund created in  
13 Section 1-2522 of this title.

14 SECTION 2. This act shall become effective July 1, 2011.

15 SECTION 3. It being immediately necessary for the preservation  
16 of the public peace, health and safety, an emergency is hereby  
17 declared to exist, by reason whereof this act shall take effect and  
18 be in full force from and after its passage and approval.

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