

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   1st Session of the 54th Legislature (2013)

4 HOUSE BILL 1260

                                  By: Shelton

7                                   AS INTRODUCED

8                   An Act relating to public health and safety; amending  
9                   63 O.S. 2011, Section 2-101.2, which relates to the  
10                  Uniform Controlled Dangerous Substances Act;  
                  modifying scope of certain definition; and providing  
                  an effective date.

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

14           SECTION 1.        AMENDATORY        63 O.S. 2011, Section 2-101.2, is  
15 amended to read as follows:

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

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

19           a. a hollow glass or metal cylinder, either open or  
20           closed at either end,

21           b. not less than two (2) nor more than seven (7) inches  
22           in length,

23           c. not less than one-eighth (1/8) inch nor more than  
24           three-fourths (3/4) inch in diameter,

- 1           d.    may be used to facilitate, or intended or designed to  
2                facilitate, violations of the Uniform Controlled  
3                Dangerous Substances Act including, but not limited  
4                to, processing, preparing, testing, analyzing,  
5                packaging, repackaging, storing, containing, and  
6                concealing controlled substances and injecting,  
7                ingesting, inhaling, or otherwise introducing  
8                controlled substances into the human body, and  
9           e.    sold individually, or in connection with another  
10               object such as a novelty holder, flower vase, or pen.  
11               The foregoing descriptions are intended to be  
12               illustrative and not exclusive;

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

16           3.    "Retailer" means a person, corporation, or partnership  
17               primarily engaged in the sale of consumable goods and services  
18               including, but not limited to, food and gasoline, at retail to the  
19               general public. A retailer shall not include any person,  
20               corporation, or partnership that sells specialized laboratory  
21               equipment for research or educational purposes.

22           B.    It shall be unlawful for a retailer within the State of  
23               Oklahoma to offer for retail sale to any patron a glass or metal  
24               tube, as defined in subsection A of this section.

1 C. A retailer, or an employee of the retailer, who willfully  
2 and knowingly violates the provisions of subsection B of this  
3 section shall, upon conviction, be guilty of a misdemeanor  
4 punishable by incarceration in the county jail for not ~~more~~ less  
5 than ~~one (1) year~~ six (6) months, or by a fine of not less than ~~One~~  
6 ~~Thousand Dollars (\$1,000.00)~~ Two Thousand Five Hundred Dollars  
7 (\$2,500.00), or by both such fine and imprisonment.

8 D. The provisions of this section shall not be construed to  
9 prohibit the sale of cigars packaged by the manufacturer in  
10 containers or tubes made of glass or metal to facilitate the sale of  
11 the item and not for another purpose prohibited by law.

12 SECTION 2. This act shall become effective November 1, 2013.

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14 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC HEALTH, dated 02/20/2013 -  
15 DO PASS.

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UNDERLINED language denotes Amendments to present Statutes.  
**BOLD FACE CAPITALIZED** language denotes Committee Amendments.  
~~Strike thru~~ language denotes deletion from present Statutes.