STATE OF OKLAHOMA

1st Session of the 54th Legislature (2013)

HOUSE BILL 1260 By: Shelton

AS INTRODUCED

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

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

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

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

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

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

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

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

d. may be used to facilitate, or intended or designed to facilitate, violations of the Uniform Controlled Dangerous Substances Act including, but not limited to, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, and concealing controlled substances and injecting, ingesting, inhaling, or otherwise introducing controlled substances into the human body, and

e. sold individually, or in connection with another object such as a novelty holder, flower vase, or pen. The foregoing descriptions are intended to be illustrative and not exclusive;

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

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

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

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

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

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

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