

STATE OF OKLAHOMA

2nd Session of the 56th Legislature (2018)

SENATE BILL 1441

By: Sykes

AS INTRODUCED

An Act relating to controlled dangerous substances; amending 63 O.S. 2011, Section 2-402, as amended by Section 3, State Question No. 780, Initiative Petition No. 404, adopted at election held November 8, 2016 (63 O.S. Supp. 2017, Section 2-402), which relates to penalties for prohibited acts; modifying prohibited acts; providing penalty; and providing an effective date.

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

SECTION 1. AMENDATORY 63 O.S. 2011, Section 2-402, as amended by Section 3, State Question No. 780, Initiative Petition No. 404, adopted at election held November 8, 2016 (63 O.S. Supp. 2017, Section 2-402), is amended to read as follows:

Section 2-402. A. 1. It shall be unlawful for any person knowingly or intentionally to possess a controlled dangerous substance unless such substance was obtained directly, or pursuant to a valid prescription or order from a practitioner, while acting in the course of his or her professional practice, or except as otherwise authorized by this act.

1 2. It shall be unlawful for any person to purchase any
2 preparation excepted from the provisions of the Uniform Controlled
3 Dangerous Substances Act pursuant to Section 2-313 of this title in
4 an amount or within a time interval other than that permitted by
5 Section 2-313 of this title.

6 3. It shall be unlawful for any person or business to sell,
7 market, advertise or label any product containing ephedrine, its
8 salts, optical isomers, or salts of optical isomers, for the
9 indication of stimulation, mental alertness, weight loss, appetite
10 control, muscle development, energy or other indication which is not
11 approved by the pertinent federal OTC Final Monograph, Tentative
12 Final Monograph, or FDA-approved new drug application or its legal
13 equivalent. In determining compliance with this requirement, the
14 following factors shall be considered:

- 15 a. the packaging of the product,
- 16 b. the name of the product, and
- 17 c. the distribution and promotion of the product,
18 including verbal representations made at the point of
19 sale.

20 B. Any person who violates subsection A of this section is
21 guilty of a misdemeanor punishable by confinement for not more than
22 one (1) year and by a fine not exceeding One Thousand Dollars
23 (\$1,000.00).
24

1 C. It shall be unlawful for any person to knowingly possess or
2 purchase a controlled dangerous substance while committing a crime
3 enumerated in Section 571 of Title 57 or Section 13.1 of Title 21 of
4 the Oklahoma Statutes.

5 D. Any person found guilty of violating subsection C of this
6 section shall be guilty of a separate and additional felony
7 punishable by imprisonment in the custody of the Department of
8 Corrections for not less than one (1) year nor more than five (5)
9 years and by a fine not exceeding Five Thousand Dollars (\$5,000.00).

10 ~~C.~~ E. Any person convicted of any offense described in this
11 section shall, in addition to any fine imposed, pay a special
12 assessment trauma-care fee of One Hundred Dollars (\$100.00) to be
13 deposited into the Trauma Care Assistance Revolving Fund created in
14 Section 1-2530.9 of this title.

15 SECTION 2. This act shall become effective November 1, 2018.

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