

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

HOUSE BILL 1482

By: Biggs

AS INTRODUCED

An Act relating to drugs; creating the Keep Oklahoma Children Safe from Illegal Drugs Act of 2017; amending 63 O.S. 2011, Section 2-402, as last amended by Section 3, State Question No. 780, Petition No. 404, which relates to the Uniform Controlled Dangerous Substances Act; making certain acts unlawful; providing penalties; providing for noncodification; providing an effective date; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

This act shall be known and may be cited as the "Keep Oklahoma Children Safe from Illegal Drugs Act of 2017".

SECTION 2. AMENDATORY 63 O.S. 2011, Section 2-402, as last amended by Section 3, State Question No. 780, Petition No. 404, 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

1 to a valid prescription or order from a practitioner, while acting  
2 in the course of his or her professional practice, or except as  
3 otherwise authorized by this act.

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

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

- 18 a. the packaging of the product,
- 19 b. the name of the product, and
- 20 c. the distribution and promotion of the product,  
21 including verbal representations made at the point of  
22 sale.

1 B. Any person who violates this section is guilty of a  
2 misdemeanor punishable by confinement for not more than one (1) year  
3 and by a fine not exceeding One Thousand Dollars (\$1,000.00).

4 C. Any person who violates any provision of this section by  
5 possessing or purchasing a controlled dangerous substance from any  
6 person, in or on, or within one thousand (1,000) feet of the real  
7 property comprising a day care, public or private elementary or  
8 secondary school, public vocational school, public or private  
9 college or university, or other institution of higher education,  
10 church, recreation center or public park, including state parks,  
11 fairgrounds and recreation areas, or in the presence of any child  
12 under twelve (12) years of age, shall be guilty of a felony and  
13 punished by:

14 1. For a first offense, a term of imprisonment not exceeding  
15 five (5) years, or by the imposition of a fine not exceeding Five  
16 Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.  
17 In addition, the person shall serve a minimum of fifty percent (50%)  
18 of the sentence received prior to becoming eligible for state  
19 correctional institution earned credits toward the completion of  
20 said sentence; or

21 2. For a second or subsequent offense, a term of imprisonment  
22 not exceeding ten (10) years, or by the imposition of a fine not  
23 exceeding Ten Thousand Dollars (\$10,000.00), or by both such fine  
24 and imprisonment. In addition, the person shall serve a minimum of

1 ninety percent (90%) of the sentence received prior to becoming  
2 eligible for state correctional institution earned credits toward  
3 the completion of said sentence.

4 D. Any person convicted of any offense described in this  
5 section shall, in addition to any fine imposed, pay a special  
6 assessment trauma-care fee of One Hundred Dollars (\$100.00) to be  
7 deposited into the Trauma Care Assistance Revolving Fund created in  
8 Section 1-2530.9 of this title.

9 SECTION 3. This act shall become effective July 1, 2017.

10 SECTION 4. It being immediately necessary for the preservation  
11 of the public peace, health or safety, an emergency is hereby  
12 declared to exist, by reason whereof this act shall take effect and  
13 be in full force from and after its passage and approval.

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