

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

COMMITTEE SUBSTITUTE
FOR

SENATE BILL NO. 1674

By: Murdock of the Senate

and

Pfeiffer of the House

COMMITTEE SUBSTITUTE

[Uniform Controlled Dangerous Substances Act -
penalties - felony offense - sentencing - exclusions
- effective date]

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

SECTION 1. AMENDATORY 63 O.S. 2011, Section 2-402, as
last amended by Section 3, State Question No. 780, Initiative
Petition No. 404 (63 O.S. Supp. 2019, 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~~ Section 2-101 et seq. of this
title.

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 this section is guilty of a
21 misdemeanor punishable by confinement for not more than one (1) year
22 and by a fine not exceeding One Thousand Dollars (\$1,000.00).

23 C. Any person who violates any provision of this section by
24 possessing or purchasing from a person one or more of the following

1 controlled dangerous substances: methamphetamine, heroin, cocaine or
2 fentanyl, in, on or within one thousand (1,000) feet of the real
3 property comprising a public or private elementary or secondary
4 school shall be guilty of a felony and punished by imprisonment in
5 the custody of the Department of Corrections for not more than five
6 (5) years.

7 D. The provisions of subsection C of this section shall not
8 apply to any person who is:

9 1. Less than eighteen (18) years of age;

10 2. Eighteen (18) years of age or older and who is enrolled as a
11 full-time student at a public or private secondary school located
12 within the prohibited distance; or

13 3. Within the prohibited distance at the request of a law
14 enforcement officer for purposes of conducting a routine traffic
15 stop.

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

21 SECTION 2. This act shall become effective November 1, 2020.

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