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February 26, 2020

COMMITTEE SUBSTITUTE  
FOR

SENATE BILL NO. 1674

By: Murdock of the Senate

and

# Pfeiffer of the House

[ 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.

22 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS  
23 February 26, 2020 - DO PASS AS AMENDED  
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