

1 **SENATE FLOOR VERSION**

2 February 25, 2019

3 COMMITTEE SUBSTITUTE  
4 FOR

5 SENATE BILL NO. 787

By: Hicks of the Senate

and

Dunnington of the House

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9 An Act relating to controlled dangerous substances;  
10 amending 63 O.S. 2011, Section 2-402, as last amended  
11 by Section 3, State Question No. 780, Initiative  
12 Petition No. 404, O.S.L. 2016 (63 O.S. Supp. 2018,  
13 Section 2-402), which relates to penalties for  
14 prohibited acts; directing certain action by law  
15 enforcement officers for certain violations; updating  
16 statutory reference; and providing an effective date.

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

18 SECTION 1. AMENDATORY 63 O.S. 2011, Section 2-402, as  
19 last amended by Section 3, State Question No. 780, Initiative  
20 Petition No. 404, O.S.L. 2016 (63 O.S. Supp. 2018, Section 2-402),  
21 is amended to read as follows:

22 Section 2-402. A. 1. It shall be unlawful for any person  
23 knowingly or intentionally to possess a controlled dangerous  
24 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

1 otherwise authorized by ~~this act~~ the Uniform Controlled Dangerous  
2 Substances Act.

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

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

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

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

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

6 D. Any law enforcement officer who comes in contact with a  
7 person in violation of paragraph 1 of subsection A of this section  
8 involving marijuana, and who is satisfied as to the identity of the  
9 person, as well as any other pertinent information the officer deems  
10 necessary, shall issue to him or her a written citation containing a  
11 notice to answer the charge against him or her in the appropriate  
12 court within ten (10) calendar days after the alleged violation.  
13 Upon receiving the written promise of the alleged violator to answer  
14 as specified in the citation, the officer shall release the person  
15 upon personal recognizance unless there has been a violation of  
16 another provision of law.

17 SECTION 2. This act shall become effective November 1, 2019.

18 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY  
19 February 25, 2019 - DO PASS AS AMENDED  
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