

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 SENATE BILL 1197

By: Standridge

6 AS INTRODUCED

7 An Act relating to the Uniform Controlled Dangerous  
8 Substances Act; amending 63 O.S. 2011, Section 2-402,  
9 as last amended by Section 3, State Question No. 780,  
Initiative Petition No. 404 (63 O.S. Supp. 2019,  
10 Section 2-402), which relates to penalties for  
prohibited acts; making certain possession a felony;  
11 providing for penalties; and providing an effective  
date.

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

14 SECTION 1. AMENDATORY 63 O.S. 2011, Section 2-402, as  
15 last amended by Section 3, State Question No. 780, Initiative  
16 Petition No. 404 (63 O.S. Supp. 2019, Section 2-402), is amended to  
17 read as follows:

18 Section 2-402. A. 1. It shall be unlawful for any person  
19 knowingly or intentionally to possess a controlled dangerous  
20 substance unless such substance was obtained directly, or pursuant  
21 to a valid prescription or order from a practitioner, while acting  
22 in the course of his or her professional practice, or except as  
23 otherwise authorized by ~~this act~~ the Uniform Controlled Dangerous  
24 Substances 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 this section, except as provided for  
21 in subsection C of this section, is guilty of a misdemeanor  
22 punishable by confinement for not more than one (1) year and by a  
23 fine not exceeding One Thousand Dollars (\$1,000.00).  
24

1 C. 1. It shall be unlawful for any person to knowingly or  
2 intentionally possess any substance which contains any quantity of  
3 Methamphetamine, including its salts, isomers and salts of isomers.

4 2. Any person who violates this subsection is guilty of a  
5 misdemeanor punishable by imprisonment in the county jail for not  
6 more than one (1) year and by a fine not to exceed Two Thousand  
7 Dollars (\$2,000.00). A second violation of this subsection within  
8 one (1) year of a previous conviction is a felony punishable by  
9 imprisonment in the custody of the Department of Corrections for not  
10 more than five (5) years and a fine not to exceed Five Thousand  
11 Dollars (\$5,000.00). A third of subsequent violation of this  
12 subsection is a felony punishable by imprisonment in the custody of  
13 the Department of Corrections of not less than four (4) years nor  
14 more than ten (10) years and by a fine not to exceed Ten Thousand  
15 Dollars (\$10,000.00).

16 D. 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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23 57-2-2421 BG 1/6/2020 8:59:22 AM  
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