

1 STATE OF OKLAHOMA

2 2nd Session of the 60th Legislature (2026)

3 SENATE BILL 2041

By: Standridge

6 AS INTRODUCED

7 An Act relating to the Uniform Controlled Dangerous
8 Substances Act; amending 63 O.S. 2021, Section 2-402,
9 as amended by Section 1, Chapter 266, O.S.L. 2023 (63
10 O.S. Supp. 2025, Section 2-402), which relates to the
Uniform Controlled Dangerous Substances Act;
increasing certain fee; updating statutory language;
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. 2021, Section 2-402, as
15 amended by Section 1, Chapter 266, O.S.L. 2023 (63 O.S. Supp. 2025,
16 Section 2-402), is amended to read as follows:

17 Section 2-402. A. 1. It shall be unlawful for any person
18 knowingly or intentionally to possess a controlled dangerous
19 substance unless such substance was obtained directly, or pursuant
20 to a valid prescription or order from a practitioner, while acting
21 in the course of his or her professional practice, or except as
22 otherwise authorized by Section 2-101 et seq. of this title.

23 2. It shall be unlawful for any person to purchase any
24 preparation excepted from the provisions of the Uniform Controlled

Dangerous Substances Act pursuant to Section 2-313 of this title in an amount or within a time interval other than that permitted by Section 2-313 of this title.

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

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

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

2. Any person who violates this section a second time within ten (10) years, upon conviction, shall be guilty of a misdemeanor. The court may, with the consent of the defendant, order the

1 defendant to complete a substance abuse assessment and evaluation
2 and to complete a diversion program for up to one (1) year following
3 the date of conviction in lieu of other punishments. At the
4 discretion of the court, the diversion program may include drug
5 testing as a requirement. If the defendant refuses or fails to
6 complete the assessment and evaluation or diversion program, the
7 court may impose punishment as provided for in paragraph 1 of this
8 subsection. The provisions of this paragraph shall not apply to
9 violations related to the possession of marijuana.

10 3. Any person who violates this section a third time within ten
11 (10) years shall, upon conviction, be guilty of a misdemeanor
12 punishable by a fine not exceeding One Thousand Dollars (\$1,000.00),
13 imprisonment in the county jail for a minimum of thirty (30) days,
14 or by both such fine and imprisonment. The court may, with the
15 consent of the defendant, order the defendant to complete a
16 substance abuse assessment and evaluation and to complete a
17 diversion program for up to three (3) years following the date of
18 conviction. At the discretion of the court, the diversion program
19 may include drug testing as a requirement. If the defendant refuses
20 or fails to complete the assessment and evaluation or diversion
21 program, the court may impose punishment as provided for in
22 paragraph 1 of this subsection. The provisions of this paragraph
23 shall not apply to violations related to the possession of
24 marijuana.

1 4. a. Any person who violates this section a fourth time
2 within ten (10) years shall, upon conviction, be
3 guilty of a felony punishable by a fine not exceeding
4 Five Thousand Dollars (\$5,000.00), imprisonment in the
5 custody of the Department of Corrections for not less
6 than one (1) year nor more than five (5) years, or by
7 both such fine and imprisonment.

8 b. Upon a verdict or plea of guilty or upon a plea of
9 nolo contendere, but before a judgment of guilt of a
10 violation of this paragraph, the court may, without
11 entering a judgment of guilt and with the consent of
12 the defendant, defer further proceedings upon the
13 specific conditions prescribed by the court not to
14 exceed a three-year period. The court may, with the
15 consent of the defendant, order the defendant to
16 complete a substance abuse assessment and evaluation
17 and to complete a diversion program for up to three
18 (3) years.

19 c. Upon successful completion of the court-ordered
20 substance abuse assessment and evaluation and
21 diversion program within the time prescribed, the
22 felony charge shall be changed to a misdemeanor. If
23 the defendant refuses or fails to complete the
24 assessment and evaluation or diversion program, the

court may impose punishment as provided for in subparagraph a of this paragraph.

d. The provisions of this paragraph shall not apply to violations related to the possession of marijuana.

C. Any person convicted of any offense described in this

section shall, in addition to any fine imposed, pay a special

assessment trauma-care fee of One Hundred Dollars (\$100.00) Two

Hundred Dollars (\$200.00) to be deposited into the Trauma Care

Assistance Revolving Fund created in Section 1-2530.9 of this title.

SECTION 2. This act shall become effective November 1, 2026.

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