

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

SENATE BILL 2041

By: Standridge

AS INTRODUCED

An Act relating to the Uniform Controlled Dangerous Substances Act; amending 63 O.S. 2021, Section 2-402, as amended by Section 1, Chapter 266, O.S.L. 2023 (63 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.

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

SECTION 1. AMENDATORY 63 O.S. 2021, Section 2-402, as amended by Section 1, Chapter 266, O.S.L. 2023 (63 O.S. Supp. 2025, 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 Section 2-101 et seq. of this title.

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

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

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

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

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

22 2. Any person who violates this section a second time within  
23 ten (10) years, upon conviction, shall be guilty of a misdemeanor.  
24 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

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

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

5 C. Any person convicted of any offense described in this  
6 section shall, in addition to any fine imposed, pay a special  
7 assessment trauma-care fee of ~~One Hundred Dollars (\$100.00)~~ Two  
8 Hundred Dollars (\$200.00) to be deposited into the Trauma Care  
9 Assistance Revolving Fund created in Section 1-2530.9 of this title.

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

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