

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

HOUSE BILL 2941

By: Bashore

AS INTRODUCED

An Act relating to fentanyl overdose and overdose reporting; requiring first responders to report drug overdose; requiring medical care before reporting; providing for immunity; amending 63 O.S. 2021, Section 2-401, as last amended by Section 13, Chapter 486, O.S.L. 2025 (63 O.S. Supp. 2025, Section 2-401), which relates to prohibited acts; providing rebuttable prima facie evidence that fentanyl was the proximate cause of death; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-2506.3 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. When any first responder, as defined in section 1-2506.1 of this title, responds to an incident in which the first responder reasonably believes a person is experiencing or has experienced a drug overdose, the first responder shall contact local law enforcement as soon as practicable after attending to the medical needs of the person.

1 B. The obligation to contact law enforcement does not require
2 delay in providing medically necessary emergency care.

3 C. A first responder acting in good faith under this section
4 shall be immune from civil or criminal liability for contacting law
5 enforcement.

6 SECTION 2. AMENDATORY 63 O.S. 2021, Section 2-401, as
7 last amended by Section 13, Chapter 486, O.S.L. 2025 (63 O.S. Supp.
8 2025, Section 2-401), is amended to read as follows:

9 Section 2-401. A. Except as authorized by the Uniform
10 Controlled Dangerous Substances Act, it shall be unlawful for any
11 person:

12 1. To distribute, dispense, transport with intent to distribute
13 or dispense, possess with intent to manufacture, distribute, or
14 dispense, a controlled dangerous substance or to solicit the use of
15 or use the services of a person less than eighteen (18) years of age
16 to cultivate, distribute or dispense a controlled dangerous
17 substance;

18 2. To create, distribute, transport with intent to distribute
19 or dispense, or possess with intent to distribute, a counterfeit
20 controlled dangerous substance; or

21 3. To distribute any imitation controlled substance as defined
22 by Section 2-101 of this title, except when authorized by the Food
23 and Drug Administration of the United States Department of Health
24 and Human Services.

1 B. Any person who violates the provisions of this section with
2 respect to:

3 1. A substance classified in Schedule I or II, except for
4 marijuana, upon conviction, shall be guilty of transporting or
5 possessing with an intent to distribute a controlled dangerous
6 substance, a Class C2 felony offense, and shall be sentenced to a
7 term of imprisonment as provided for in subsections B through F of
8 Section 20M of Title 21 of the Oklahoma Statutes, and a fine not
9 more than One Hundred Thousand Dollars (\$100,000.00), which shall be
10 in addition to other punishment provided by law and shall not be
11 imposed in lieu of other punishment. A second conviction for the
12 violation of provisions of this paragraph is a Class C2 felony
13 offense punishable by a term of imprisonment as provided for in
14 subsections B through F of Section 20M of Title 21 of the Oklahoma
15 Statutes. A third or subsequent conviction for the violation of the
16 provisions of this paragraph is a Class C2 felony offense punishable
17 by a term of imprisonment as provided for in subsections B through F
18 of Section 20M of Title 21 of the Oklahoma Statutes;

19 2. Any other controlled dangerous substance classified in
20 Schedule III, IV, V or marijuana, upon conviction, shall be guilty
21 of a Class D1 felony offense and shall be sentenced to a term of
22 imprisonment as provided for in subsections B through F of Section
23 20N of Title 21 of the Oklahoma Statutes and a fine not more than
24 Twenty Thousand Dollars (\$20,000.00), which shall be in addition to

1 other punishment provided by law and shall not be imposed in lieu of
2 other punishment. A second conviction for the violation of the
3 provisions of this paragraph is a Class D1 felony offense punishable
4 by a term of imprisonment as provided for in subsections B through F
5 of Section 20N of Title 21 of the Oklahoma Statutes. A third or
6 subsequent conviction for the violation of the provisions of this
7 paragraph is a Class D1 felony offense punishable by a term of
8 imprisonment as provided for in subsections B through F of Section
9 20M of Title 21 of the Oklahoma Statutes; or

10 3. An imitation controlled substance as defined by Section 2-
11 101 of this title, upon conviction, shall be guilty of a misdemeanor
12 and shall be sentenced to a term of imprisonment in the county jail
13 for a period not more than one (1) year and a fine not more than One
14 Thousand Dollars (\$1,000.00). A person convicted of a second
15 violation of the provisions of this paragraph shall be guilty of a
16 Class D2 felony offense and shall be sentenced to a term of
17 imprisonment as provided for in subsections B through F of Section
18 200 of Title 21 of the Oklahoma Statutes, and a fine not more than
19 Five Thousand Dollars (\$5,000.00), which shall be in addition to
20 other punishment provided by law and shall not be imposed in lieu of
21 other punishment.

22 C. 1. Except when authorized by the Food and Drug
23 Administration of the United States Department of Health and Human
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1 Services, it shall be unlawful for any person to manufacture or
2 distribute a controlled substance or synthetic controlled substance.

3 2. Any person convicted of violating the provisions of
4 paragraph 1 of this subsection with respect to distributing a
5 controlled substance is guilty of a Class C2 felony offense and
6 shall be punished by imprisonment as provided for in subsections B
7 through F of Section 20M of Title 21 of the Oklahoma Statutes, and a
8 fine not more than Twenty-five Thousand Dollars (\$25,000.00), which
9 shall be in addition to other punishment provided by law and shall
10 not be imposed in lieu of other punishment.

11 3. A second conviction for the violation of the provisions of
12 paragraph 1 of this subsection with respect to distributing a
13 controlled substance is a Class C2 felony offense punishable by
14 imprisonment as provided for in subsections B through F of Section
15 20M of Title 21 of the Oklahoma Statutes. A third or subsequent
16 conviction for the violation of the provisions of this paragraph is
17 a Class C2 felony offense punishable by imprisonment as provided for
18 in subsections B through F of Section 20M of Title 21 of the
19 Oklahoma Statutes.

20 4. Any person convicted of violating the provisions of
21 paragraph 1 of this subsection with respect to manufacturing a
22 controlled substance is guilty of a Class C2 felony offense and
23 shall be punished by imprisonment as provided for in subsections B
24 through F of Section 20M of Title 21 of the Oklahoma Statutes, and a

1 fine not more than Twenty-five Thousand Dollars (\$25,000.00), which
2 shall be in addition to other punishment provided by law and shall
3 not be imposed in lieu of other punishment.

4 5. A second conviction for the violation of the provisions of
5 paragraph 1 of this subsection with respect to manufacturing a
6 controlled substance is a Class C2 felony offense punishable by
7 imprisonment as provided for in subsections B through F of Section
8 20M of Title 21 of the Oklahoma Statutes. A third or subsequent
9 conviction for the violation of the provisions of this paragraph is
10 a Class C2 felony offense punishable by imprisonment as provided for
11 in subsections B through F of Section 20M of Title 21 of the
12 Oklahoma Statutes.

13 D. Convictions for violations of the provisions of this section
14 shall be subject to the statutory provisions for suspended or
15 deferred sentences, or probation as provided in Section 991a of
16 Title 22 of the Oklahoma Statutes.

17 E. Any person who is at least eighteen (18) years of age and
18 who violates the provisions of this section by using or soliciting
19 the use of services of a person less than eighteen (18) years of age
20 to distribute, dispense, transport with intent to distribute or
21 dispense or cultivate a controlled dangerous substance or by
22 distributing a controlled dangerous substance to a person under
23 eighteen (18) years of age, or in the presence of a person under
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1 twelve (12) years of age, is guilty of a Class C1 felony offense
2 punishable by:

3 1. For a first violation of this subsection, a term of
4 imprisonment in the custody of the Department of Corrections not
5 less than two (2) years nor more than ten (10) years;

6 2. For a second violation of this subsection, a term of
7 imprisonment in the custody of the Department of Corrections for not
8 less than four (4) years nor more than twenty (20) years; or

9 3. For a third or subsequent violation of this subsection, a
10 term of imprisonment in the custody of the Department of Corrections
11 for not less than ten (10) years nor more than life.

12 F. Any person who violates any provision of this section by
13 transporting with intent to distribute or dispense, distributing or
14 possessing with intent to distribute a controlled dangerous
15 substance to a person, or violation of subsection G of this section,
16 in or on, or within two thousand (2,000) feet of the real property
17 comprising a public or private elementary or secondary school,
18 public vocational school, public or private college or university,
19 or other institution of higher education, recreation center or
20 public park, including a state park or recreation area, public
21 housing project, or child care facility as defined by Section 402 of
22 Title 10 of the Oklahoma Statutes, shall be guilty of a Class C1
23 felony offense and shall be punished by:

1 1. For a first offense, a term of imprisonment as provided for
2 in subsections B through E of Section 20L of Title 21 of the
3 Oklahoma Statutes; or

4 2. For a second or subsequent violation of this section, a term
5 of imprisonment as provided for in subsections B through E of
6 Section 20L of Title 21 of the Oklahoma Statutes, or by the
7 imposition of a fine, or by both, not exceeding thrice that
8 authorized by the appropriate provision of this section.

9 Convictions for second and subsequent violations of the provisions
10 of this section shall not be subject to statutory provisions of
11 suspended sentences, deferred sentences or probation.

12 G. 1. Except as authorized by the Uniform Controlled Dangerous
13 Substances Act, it shall be unlawful for any person to manufacture
14 or attempt to manufacture any controlled dangerous substance or
15 possess any substance listed in Section 2-322 of this title or any
16 substance containing any detectable amount of pseudoephedrine or its
17 salts, optical isomers or salts of optical isomers, iodine or its
18 salts, optical isomers or salts of optical isomers, hydriodic acid,
19 sodium metal, lithium metal, anhydrous ammonia, phosphorus, or
20 organic solvents with the intent to use that substance to
21 manufacture a controlled dangerous substance.

22 2. Any person violating the provisions of this subsection with
23 respect to the unlawful manufacturing or attempting to unlawfully
24 manufacture any controlled dangerous substance, possessing any

1 substance listed in this subsection or Section 2-322 of this title,
2 or combining fentanyl with any other controlled dangerous substance,
3 upon conviction, is guilty of a Class A2 felony offense and shall be
4 punished by imprisonment in the custody of the Department of
5 Corrections for not less than seven (7) years nor more than life and
6 by a fine not less than Fifty Thousand Dollars (\$50,000.00), which
7 shall be in addition to other punishment provided by law and shall
8 not be imposed in lieu of other punishment. The possession of any
9 amount of anhydrous ammonia in an unauthorized container shall be
10 prima facie evidence of intent to use such substance to manufacture
11 a controlled dangerous substance.

12 3. Any person violating the provisions of this subsection with
13 respect to the unlawful manufacturing or attempting to unlawfully
14 manufacture any controlled dangerous substance in the following
15 amounts:

16 a. one (1) kilogram or more of a mixture or substance
17 containing a detectable amount of heroin,

18 b. five (5) kilograms or more of a mixture or substance
19 containing a detectable amount of:

20 (1) coca leaves, except coca leaves and extracts of
21 coca leaves from which cocaine, ecgonine, and
22 derivatives of ecgonine or their salts have been
23 removed,
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1 (2) cocaine, its salts, optical and geometric
2 isomers, and salts of isomers,
3 (3) ecgonine, its derivatives, their salts, isomers,
4 and salts of isomers, or
5 (4) any compound, mixture, or preparation which
6 contains any quantity of any of the substances
7 referred to in divisions (1) through (3) of this
8 subparagraph,

9 c. fifty (50) grams or more of a mixture or substance
10 described in division (2) of subparagraph b of this
11 paragraph which contains cocaine base,

12 d. one hundred (100) grams or more of phencyclidine (PCP)
13 or one (1) kilogram or more of a mixture or substance
14 containing a detectable amount of phencyclidine (PCP),

15 e. ten (10) grams or more of a mixture or substance
16 containing a detectable amount of lysergic acid
17 diethylamide (LSD),

18 f. four hundred (400) grams or more of a mixture or
19 substance containing a detectable amount of N-phenyl-
20 N-[1-(2-phenylethyl)-4-piperidinyl] propanamide or 100
21 grams or more of a mixture or substance containing a
22 detectable amount of any analogue of N-phenyl-N-[1-(2-
23 phenylethyl)-4-piperidinyl] propanamide,
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1 g. one thousand (1,000) kilograms or more of a mixture or
2 substance containing a detectable amount of marijuana
3 or one thousand (1,000) or more marijuana plants
4 regardless of weight,

5 h. fifty (50) grams or more of methamphetamine, its
6 salts, isomers, and salts of its isomers or five
7 hundred (500) grams or more of a mixture or substance
8 containing a detectable amount of methamphetamine, its
9 salts, isomers, or salts of its isomers, or

10 i. ten (10) grams or more of a mixture or substance
11 containing a detectable amount of fentanyl, its
12 analogs, or derivatives,

13 upon conviction, is guilty of aggravated manufacturing of a
14 controlled dangerous substance, a Class A1 felony offense,
15 punishable by imprisonment in the custody of the Department of
16 Corrections for not less than twenty (20) years nor more than life
17 and by a fine not less than Fifty Thousand Dollars (\$50,000.00),
18 which shall be in addition to other punishment provided by law and
19 shall not be imposed in lieu of other punishment. Any person
20 convicted of a violation of the provisions of this paragraph shall
21 be required to serve a minimum of eighty-five percent (85%) of the
22 sentence received prior to becoming eligible for state correctional
23 earned credits towards the completion of the sentence or eligible
24 for parole.

1 4. Any sentence to the custody of the Department of Corrections
2 for any violation of paragraph 3 of this subsection shall not be
3 subject to statutory provisions for suspended sentences, deferred
4 sentences, or probation. A person convicted of a second or
5 subsequent violation of the provisions of paragraph 3 of this
6 subsection shall be punished as a habitual offender pursuant to
7 Section 51.1 of Title 21 of the Oklahoma Statutes and shall be
8 required to serve a minimum of eighty-five percent (85%) of the
9 sentence received prior to becoming eligible for state correctional
10 earned credits or eligibility for parole.

11 5. Any person who has been convicted of manufacturing or
12 attempting to manufacture methamphetamine pursuant to the provisions
13 of this subsection and who, after such conviction, purchases or
14 attempts to purchase, receive or otherwise acquire any product,
15 mixture, or preparation containing any detectable quantity of base
16 pseudoephedrine or ephedrine shall, upon conviction, be guilty of a
17 Class B3 felony offense punishable by imprisonment in the custody of
18 the Department of Corrections for a term in the range of twice the
19 minimum term provided for in paragraph 2 of this subsection.

20 H. In any investigation or prosecution involving a fatal
21 overdose, the presence of fentanyl, a fentanyl analogue, or any
22 mixture or substance containing a detectable amount of fentanyl in
23 the decedent's blood, tissue, or post-mortem toxicology shall
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1 constitute rebuttable prima facie evidence that fentanyl was the
2 proximate cause of death.

3 I. Any person convicted of any offense described in the Uniform
4 Controlled Dangerous Substances Act may, in addition to the fine
5 imposed, be assessed an amount not to exceed ten percent (10%) of
6 the fine imposed. Such assessment shall be paid into a revolving
7 fund for enforcement of controlled dangerous substances created
8 pursuant to Section 2-506 of this title.

9 ~~I.~~ J. Any person convicted of any offense described in this
10 section shall, in addition to any fine imposed, pay a special
11 assessment trauma-care fee of One Hundred Dollars (\$100.00) to be
12 deposited into the Trauma Care Assistance Revolving Fund created in
13 Section 1-2530.9 of this title.

14 ~~J.~~ K. For purposes of this section, "public housing project"
15 means any dwelling or accommodations operated as a state or
16 federally subsidized multifamily housing project by any housing
17 authority, nonprofit corporation or municipal developer or housing
18 projects created pursuant to the Oklahoma Housing Authorities Act.

19 ~~K.~~ L. When a person is found guilty of a violation of the
20 provisions of this section, the court shall order, in addition to
21 any other penalty, the defendant to pay a one-hundred-dollar
22 assessment to be deposited in the Drug Abuse Education and Treatment
23 Revolving Fund created in Section 2-503.2 of this title, upon
24 collection.

1 ~~H.~~ M. Any person convicted of a second or subsequent felony
2 violation of the provisions of this section, except for paragraphs 1
3 and 2 of subsection B of this section, paragraphs 2, 3, 4 and 5 of
4 subsection C of this section, paragraphs 1, 2, and 3 of subsection E
5 of this section and paragraphs 1 and 2 of subsection F of this
6 section, shall be punished as a habitual offender pursuant to
7 Section 51.1 of Title 21 of the Oklahoma Statutes.

8 SECTION 3. This act shall become effective November 1, 2026.

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