STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

HOUSE BILL 1615

By: Worthen

AS INTRODUCED

An Act relating to public health and safety; amending 63 O.S. 2021, Section 2-402, which relates to the Uniform Controlled Dangerous Substances Act; providing separate penalties for unlawfully possessing controlled dangerous substances; authorizing municipalities to adopt certain ordinances; 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, 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 this act.

2. It shall be unlawful for any person to purchase any 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. Any person who violates this section with respect to marijuana is, upon conviction, guilty of a misdemeanor punishable by confinement for not more than one (1) year and by a fine not exceeding One Thousand Dollars ($1,000.00).

C. 1. Any person who violates this section with respect to any Schedule I, II, III, IV or V substance, except marijuana, or a substance included in subsection D of Section 2-206 of this title, or any preparation excepted from the provisions of the Uniform

 Req. No. 6031
Controlled Dangerous Substances Act is, upon conviction, guilty of a misdemeanor punishable by confinement for not more than one (1) year and by a fine not exceeding One Thousand Dollars ($1,000.00). In addition, the person may be required to complete a drug diversion program approved by the court.

2. Any person who commits an offense pursuant to the provisions of paragraph 1 of this subsection or has a conviction in a municipal criminal court of record for violating a municipal ordinance prohibiting the offense provided for in paragraph 1 of this subsection within ten (10) years of the date following the completion of the execution of such sentence or deferred judgment and commits a second offense provided for in paragraph 1 of this subsection shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for not less than one (1) year nor more than five (5) years and by a fine not exceeding Five Thousand Dollars ($5,000.00). In addition, the person shall participate in an alcohol and drug assessment and evaluation by an assessment agency or assessment personnel certified by the Department of Mental Health and Substance Abuse Services and may be required to complete a drug diversion program approved by the court.

3. Municipalities shall be authorized to adopt ordinances consistent with the provisions of this section.
D. 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) 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, 2023.

59-1-6031 GRS 01/05/23