

1 ENGROSSED HOUSE  
2 BILL NO. 1482

By: Biggs, Downing, Osborn  
(Leslie), Sanders, Bennett  
(John), Cleveland, Rogers,  
3 Hilbert, West (Josh),  
4 Kannady, Baker and Roberts  
(Dustin) of the House

5 and

6 Stanislawski of the Senate  
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9 An Act relating to drugs; creating the Keep Oklahoma  
10 Children Safe from Illegal Drugs Act of 2017;  
amending 63 O.S. 2011, Section 2-402, as last amended  
11 by Section 3, State Question No. 780, Petition No.  
404, which relates to the Uniform Controlled  
12 Dangerous Substances Act; providing potential  
penalties for certain unlawful acts; excluding  
13 certain persons from application of law; providing  
for noncodification; providing an effective date; and  
14 declaring an emergency.

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

17 SECTION 1. NEW LAW A new section of law not to be  
18 codified in the Oklahoma Statutes reads as follows:

19 This act shall be known and may be cited as the "Keep Oklahoma  
20 Children Safe from Illegal Drugs Act of 2017".

21 SECTION 2. AMENDATORY 63 O.S. 2011, Section 2-402, as  
22 last amended by Section 3, State Question No. 780, Petition No. 404,  
23 is amended to read as follows:  
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1 Section 2-402. A. 1. It shall be unlawful for any person  
2 knowingly or intentionally to possess a controlled dangerous  
3 substance unless such substance was obtained directly, or pursuant  
4 to a valid prescription or order from a practitioner, while acting  
5 in the course of his or her professional practice, or except as  
6 otherwise authorized by this act.

7 2. It shall be unlawful for any person to purchase any  
8 preparation excepted from the provisions of the Uniform Controlled  
9 Dangerous Substances Act pursuant to Section 2-313 of this title in  
10 an amount or within a time interval other than that permitted by  
11 Section 2-313 of this title.

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

- 21 a. the packaging of the product,
- 22 b. the name of the product, and

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1 c. the distribution and promotion of the product,  
2 including verbal representations made at the point of  
3 sale.

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

7 C. Any person who violates any provision of this section by  
8 possessing or purchasing a controlled dangerous substance from any  
9 person, in or on, or within one thousand (1,000) feet of the real  
10 property comprising a public or private elementary or secondary  
11 school, public vocational school or in the presence of any child  
12 under twelve (12) years of age, may be guilty of a felony and  
13 punished by:

14 1. For a first offense, a term of imprisonment not exceeding  
15 five (5) years, or by the imposition of a fine not exceeding Two  
16 Thousand Five Hundred Dollars (\$2,500.00), or by both such fine and  
17 imprisonment. In addition, the person shall serve a minimum of  
18 twenty-five percent (25%) of the sentence received prior to becoming  
19 eligible for state correctional institution earned credits toward  
20 the completion of said sentence; or

21 2. For a second or subsequent offense, a term of imprisonment  
22 not exceeding ten (10) years, or by the imposition of a fine not  
23 exceeding Five Thousand Dollars (\$5,000.00), or by both such fine  
24 and imprisonment. In addition, the person shall serve a minimum of

1 eighty-five percent (85%) of the sentence received prior to becoming  
2 eligible for state correctional institution earned credits toward  
3 the completion of said sentence.

4 D. The provisions of subsection C of this section shall not  
5 apply to any person who is:

6 1. Less than eighteen (18) years of age;

7 2. Eighteen (18) years of age or older and enrolled as a full-  
8 time student at a public or private secondary school or public  
9 vocational school located within the prohibited distance; or

10 3. Within the prohibited distance at the request or suggestion  
11 of a law enforcement officer for purposes of conducting a routine  
12 traffic stop.

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

18 SECTION 3. This act shall become effective July 1, 2017.

19 SECTION 4. It being immediately necessary for the preservation  
20 of the public peace, health or safety, an emergency is hereby  
21 declared to exist, by reason whereof this act shall take effect and  
22 be in full force from and after its passage and approval.

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1 Passed the House of Representatives the 9th day of March, 2017.

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4 Presiding Officer of the House  
of Representatives

5 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2017.

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9 Presiding Officer of the Senate