

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 SENATE BILL 451

By: Standridge

4
5
6 AS INTRODUCED

7 An Act relating to the Uniformed Controlled Dangerous
8 Substances Act; amending 63 O.S. 2021, Section 2-402,
9 as amended by Section 3, State Question No. 780,
10 Initiative Petition No. 404, which relates to
11 penalties for prohibited acts; establishing certain
12 felony offense; providing penalty; and providing an
13 effective date.

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

15 SECTION 1. AMENDATORY 63 O.S. 2021, Section 2-402, as
16 amended by Section 3, State Question No. 780, Initiative Petition
17 No. 404, is amended to read as follows:

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

24 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

1 an amount or within a time interval other than that permitted by
2 Section 2-313 of this title.

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

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

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

20 C. Any person convicted of a third or subsequent offense
21 described in this section, relating to methamphetamine, heroin, or
22 cocaine shall be guilty of a felony, punishable by confinement in
23 the custody of the Department of Corrections for a term not less
24 than ten (10) years nor more than life.

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

6 SECTION 2. This act shall become effective November 1, 2023.

7
8 59-1-157 BG 1/17/2023 10:07:00 AM

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25