

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 SENATE BILL 670

By: Murdock

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6 AS INTRODUCED

7 An Act relating to the Uniform Controlled Dangerous  
8 Substances Act; amending 63 O.S. 2011, Section 2-402,  
9 as last amended by Section 3, State Question No. 780,  
10 Initiative Petition No. 404 (63 O.S. Supp. 2020,  
11 Section 2-402), which relates to penalties; providing  
for felony offense; providing penalty; providing  
certain exemptions; providing definition; and  
providing an effective date.

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

14 SECTION 1. AMENDATORY 63 O.S. 2011, Section 2-402, as  
15 last amended by Section 3, State Question No. 780, Initiative  
16 Petition No. 404 (63 O.S. Supp. 2020, Section 2-402), is amended to  
17 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~~ Section 2-101 et seq. of this  
24 title.

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

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

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

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

23           C. Any person who violates any provision of this section by  
24 possessing or purchasing from a person one or more of the following

1 controlled dangerous substances: methamphetamine, heroin, cocaine or  
2 fentanyl, in, on or within one thousand (1,000) feet of the real  
3 property comprising a public or private elementary or secondary  
4 school shall be guilty of a felony and punished by imprisonment in  
5 the custody of the Department of Corrections for not more than five  
6 (5) years.

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

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

10 2. Eighteen (18) years of age or older and who is enrolled as a  
11 full-time student at a public or private secondary school located  
12 within the prohibited distance; or

13 3. Within the prohibited distance at the request of a law  
14 enforcement officer for purposes of conducting a routine traffic  
15 stop.

16 E. As used in this section, "secondary school" shall mean a  
17 public or private school subject to the school laws of Oklahoma  
18 engaged in the education of students for any of grades seven through  
19 twelve.

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

1 SECTION 2. This act shall become effective November 1, 2021.

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