

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL 787

6 By: Hicks of the Senate

7 and

8 Dunnington of the House

9 COMMITTEE SUBSTITUTE

10 An Act relating to controlled dangerous substances;
11 amending 63 O.S. 2011, Section 2-402, as last amended
12 by Section 3, State Question No. 780, Initiative
13 Petition No. 404, O.S.L. 2016 (63 O.S. Supp. 2018,
14 Section 2-402), which relates to penalties for
15 prohibited acts; directing certain action by law
16 enforcement officers for certain violations; updating
17 statutory reference; and providing an effective date.

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

19 SECTION 1. AMENDATORY 63 O.S. 2011, Section 2-402, as
20 last amended by Section 3, State Question No. 780, Initiative
21 Petition No. 404, O.S.L. 2016 (63 O.S. Supp. 2018, Section 2-402),
22 is amended to read as follows:

23 Section 2-402. A. 1. It shall be unlawful for any person
24 knowingly or intentionally to possess a controlled dangerous
substance unless such substance was obtained directly, or pursuant

1 to a valid prescription or order from a practitioner, while acting
2 in the course of his or her professional practice, or except as
3 otherwise authorized by ~~this act~~ the Uniform Controlled Dangerous
4 Substances Act.

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

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

- 19 a. the packaging of the product,
- 20 b. the name of the product, and
- 21 c. the distribution and promotion of the product,
22 including verbal representations made at the point of
23 sale.

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

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

9 D. Any law enforcement officer who comes in contact with a
10 person in violation of paragraph 1 of subsection A of this section
11 involving any Schedule III, IV or V substance, marijuana, a
12 substance included in subsection D of Section 2-206 of this title,
13 or any preparation excepted from the provisions of the Uniform
14 Controlled Dangerous Substances Act, and who is satisfied as to the
15 identity of the person, as well as any other pertinent information
16 the officer deems necessary, shall issue to him or her a written
17 citation containing a notice to answer the charge against him or her
18 in the appropriate court within ten (10) calendar days after the
19 alleged violation. Upon receiving the written promise of the
20 alleged violator to answer as specified in the citation, the officer
21 shall release the person upon personal recognizance unless there has
22 been a violation of another provision of law.

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SECTION 2. This act shall become effective November 1, 2019.

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