

**COMMITTEE AMENDMENT**

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1615 \_\_\_\_\_  
Of the printed Bill

Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Amendment submitted by: Rande Worthen

Adopted: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

1 STATE OF OKLAHOMA

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

3 PROPOSED COMMITTEE  
4 SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 1615

By: Worthen

7 PROPOSED COMMITTEE SUBSTITUTE

8 An Act relating to public health and safety; amending  
9 63 O.S. 2021, Section 2-402, which relates to the  
10 Uniform Controlled Dangerous Substances Act;  
11 providing separate penalties for unlawfully  
12 possessing controlled dangerous substances;  
13 authorizing the referral of violations to certain  
14 courts; authorizing municipalities to adopt  
15 ordinances; and providing an effective date.

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

17 SECTION 1. AMENDATORY 63 O.S. 2021, Section 2-402, is  
18 amended to read as follows:

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

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. 1. 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           2. Any person who is convicted, receives a deferred sentence,  
24 or receives a suspended sentence for an offense provided for in this

1 section, excluding the use of marijuana, and receives a second  
2 conviction within ten (10) years for an offense provided for in this  
3 section shall, upon conviction, be guilty of a misdemeanor  
4 punishable as such terms are provided for in paragraph 1 of this  
5 subsection. In addition, the person may be required to:

- 6 a. complete a substance abuse assessment or evaluation  
7 and follow the recommendations subsequent thereto, and
- 8 b. complete a drug diversion program for up to one (1)  
9 year following the date of conviction as ordered by  
10 the court. If the person refuses or fails to complete  
11 the drug diversion program, the person may be subject  
12 to the terms of punishment provided for in paragraph 1  
13 of this subsection.

14 3. Any person who is convicted, receives a deferred sentence,  
15 or receives a suspended sentence for an offense provided for in this  
16 section, excluding the use of marijuana, and receives a third or  
17 subsequent conviction within ten (10) years for an offense provided  
18 for in this section shall, upon conviction, be guilty of a  
19 misdemeanor punishable as such terms are provided for in paragraph 1  
20 of this subsection. In addition, the person may be required to:

- 21 a. complete a substance abuse assessment or evaluation  
22 and follow the recommendations subsequent thereto, and
- 23 b. complete a drug diversion program for up to three (3)  
24 years following the date of conviction as ordered by

1 the court. If the person refuses or fails to complete  
2 the drug diversion program, the person may be subject  
3 to the terms of punishment provided for in paragraph 1  
4 of this subsection.

5 C. Violations under this section shall be referred to the state  
6 or to a municipal court of record for prosecution. If prosecution  
7 is refused by the state, the offense may be prosecuted in a  
8 municipal court not of record. Municipal courts may adopt  
9 ordinances consistent with the provisions of this section.

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

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

16  
17 59-1-7751 GRS 02/27/23  
18  
19  
20  
21  
22  
23  
24