

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1615

By: Worthen

4
5
6 AS INTRODUCED

7 An Act relating to public health and safety; amending
8 63 O.S. 2021, Section 2-402, which relates to the
9 Uniform Controlled Dangerous Substances Act;
10 providing separate penalties for unlawfully
11 possessing controlled dangerous substances;
12 authorizing municipalities to adopt certain
13 ordinances; and providing an 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, is
16 amended to read as follows:

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

23 2. It shall be unlawful for any person to purchase any
24 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 with respect to
18 marijuana is, upon conviction, guilty of a misdemeanor punishable by
19 confinement for not more than one (1) year and by a fine not
20 exceeding One Thousand Dollars (\$1,000.00).

21 C. 1. Any person who violates this section with respect to any
22 Schedule I, II, III, IV or V substance, except marijuana, or a
23 substance included in subsection D of Section 2-206 of this title,
24 or any preparation excepted from the provisions of the Uniform

1 Controlled Dangerous Substances Act is, upon conviction, 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). In
4 addition, the person may be required to complete a drug diversion
5 program approved by the court.

6 2. Any person who commits an offense pursuant to the provisions
7 of paragraph 1 of this subsection or has a conviction in a municipal
8 criminal court of record for violating a municipal ordinance
9 prohibiting the offense provided for in paragraph 1 of this
10 subsection within ten (10) years of the date following the
11 completion of the execution of such sentence or deferred judgment
12 and commits a second offense provided for in paragraph 1 of this
13 subsection shall, upon conviction, be guilty of a felony punishable
14 by imprisonment in the custody of the Department of Corrections for
15 not less than one (1) year nor more than five (5) years and by a
16 fine not exceeding Five Thousand Dollars (\$5,000.00). In addition,
17 the person shall participate in an alcohol and drug assessment and
18 evaluation by an assessment agency or assessment personnel certified
19 by the Department of Mental Health and Substance Abuse Services and
20 may be required to complete a drug diversion program approved by the
21 court.

22 3. Municipalities shall be authorized to adopt ordinances
23 consistent with the provisions of this section.
24

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 59-1-6031 GRS 01/05/23

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