

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2156

By: Ford

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; making  
certain acts unlawful; providing penalty; and  
providing an effective date.

10  
11  
12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

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

22 2. It shall be unlawful for any person to purchase any  
23 preparation excepted from the provisions of the Uniform Controlled  
24 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 the provisions of subsection A of  
18 this section ~~is~~ shall, upon conviction, be guilty of a misdemeanor  
19 punishable by confinement in the county jail for a term of not more  
20 than one (1) year and by a fine not exceeding One Thousand Dollars  
21 (\$1,000.00).

22 C. It shall be unlawful for any person knowingly or  
23 intentionally to possess any mixture or substance containing a  
24 detectable amount of fentanyl and its analogs and derivatives,

1 heroin, or methamphetamine, unless such substance was obtained  
2 directly, or pursuant to a valid prescription or order from a  
3 practitioner, while acting in the course of his or her professional  
4 practice, or except as otherwise authorized by the Uniform  
5 Controlled Dangerous Substances Act. Any person who violates the  
6 provisions of this subsection shall, upon conviction, be guilty of a  
7 felony punishable by imprisonment in the custody of the Department  
8 of Corrections for a term of not more than five (5) years and by a  
9 fine not exceeding Five Thousand Dollars (\$5,000.00).

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~~ Five Hundred Dollars ~~(\$100.00)~~  
13 (\$500.00) to be deposited into the Trauma Care Assistance Revolving  
14 Fund created in Section 1-2530.9 of this title.

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

16

17 59-1-6641 GRS 01/13/23

18

19

20

21

22

23

24