

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2587

By: Humphrey

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5
6 AS INTRODUCED

7 An Act relating to controlled dangerous substances;
8 amending 63 O.S. 2021, Section 2-402, which relates
9 to the Uniform Controlled Dangerous Substances Act;
10 modifying penalties for certain unlawful act;
11 providing penalties for second and subsequent
12 convictions; and providing an effective date.

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

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

16 Section 2-402. A. 1. It shall be unlawful for any person
17 knowingly or intentionally to possess a controlled dangerous
18 substance unless such substance was obtained directly, or pursuant
19 to a valid prescription or order from a practitioner, while acting
20 in the course of his or her professional practice, or except as
21 otherwise 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. 1. Any person who violates the provisions of paragraph 1 of
18 subsection A of this section is guilty of a misdemeanor punishable
19 by ~~confinement for not more than one (1) year and by a fine not~~
20 exceeding One Thousand Dollars (\$1,000.00).

21 2. Upon conviction for a second violation of paragraph 1 of
22 subsection A of this section, the person shall be guilty of a
23 misdemeanor punishable by a fine not exceeding One Thousand Dollars
24 (\$1,000.00) and mandatory supervision by the Department of

1 Corrections, a private supervision provider, or other person
2 designated by the court.

3 3. Upon conviction for a third violation of paragraph 1 of
4 subsection A of this section, the person shall be guilty of a
5 misdemeanor punishable by a fine not exceeding One Thousand Dollars
6 (\$1,000.00) and mandatory residential inpatient treatment for
7 substance abuse for a minimum period of six (6) months by a service
8 provider certified by the Department of Mental Health and Substance
9 Abuse Services.

10 4. Upon conviction for a fourth violation of paragraph 1 of
11 subsection A of this section, the person shall be guilty of a
12 misdemeanor punishable by a fine not exceeding One Thousand Dollars
13 (\$1,000.00) and by imprisonment in the county jail for a term of not
14 less than one (1) year.

15 5. Upon conviction for a fifth or subsequent violation of
16 paragraph 1 of subsection A of this section, the person shall be
17 guilty of felony, deemed a habitual criminal, and punished by a fine
18 of not less than One Thousand Dollars (\$1,000.00) and imprisonment
19 in the custody of the Department of Corrections for a term of two
20 (2) years.

21 6. Any person who violates the provisions of paragraph 2 or 3
22 of subsection A of this section is guilty of a misdemeanor
23 punishable by confinement for not more than one (1) year and by a
24 fine not exceeding One Thousand Dollars (\$1,000.00).

1 C. 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.

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8 59-1-5548 GRS 01/15/23

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