

SENATE CHAMBER
STATE OF OKLAHOMA

DISPOSITION

FLOOR AMENDMENT

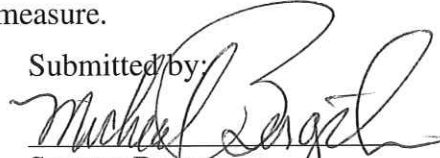
No. 1

COMMITTEE AMENDMENT

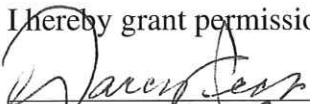
(Date)

I move to amend Senate Bill No. 108, by substituting the attached floor substitute (Request # 2013) for the title, enacting clause and entire body of the measure.

Submitted by:


Senator Bergstrom

I hereby grant permission for the floor substitute to be adopted.


Senator Jech, Chair (required)



Senator Gollihare


Senator Coleman


Senator Hicks

Senator Brooks

Senator Matthews


Senator Burns

Senator Pederson


Senator Dahm


Senator Stephens


Senator Dugger


Senator Thompson (Kristen)

Senator Treat, President Pro Tempore

Senator McCortney, Majority Floor Leader

Note: Public Safety committee majority requires seven (7) members' signatures.

I hereby grant permission for the floor substitute to be adopted.


Senator Thompson (Roger)
Appropriations Committee Chair

Bergstrom-JES-FS-SB108
3/20/2023 9:09 AM

(Floor Amendments Only)

Date and Time Filed: 3-20-23 2:00 pm *gd*

Untimely

Amendment Cycle Extended

Secondary Amendment

1 STATE OF OKLAHOMA

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

3 FLOOR SUBSTITUTE
4 FOR

5 SENATE BILL NO. 108

By: Bergstrom of the Senate

and

Ford of the House

7
8
9 FLOOR SUBSTITUTE

10 [Uniform Controlled Dangerous Substances Act - acts
11 and penalties - actions - punishment - orders -
referral - violations - ordinances - effective date]

12
13
14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

15 SECTION 1. AMENDATORY 63 O.S. 2021, Section 2-402, as
16 amended by Section 3, State Question No. 780, Initiative Petition
17 No. 404, is amended to read as follows:

18 Section 2-402. A. 1. It shall be unlawful for any person
19 knowingly or intentionally to possess a controlled dangerous
20 substance unless such substance was obtained directly, or pursuant
21 to a valid prescription or order from a practitioner, while acting
22 in the course of his or her professional practice, or except as
23 otherwise authorized by ~~this act~~ Section 2-101 et seq. of this
24 title.

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 violates this section a second time within
24 ten (10) years, upon conviction, shall be guilty of a misdemeanor.

1 The court may, with the consent of the defendant, order the
2 defendant to complete a substance abuse assessment and evaluation
3 and to complete a diversion program for up to one (1) year following
4 the date of conviction in lieu of other punishments. At the
5 discretion of the court, the diversion program may include drug
6 testing as a requirement. If the defendant refuses or fails to
7 complete the assessment and evaluation or diversion program, the
8 court may impose punishment as provided for in paragraph 1 of this
9 subsection.

10 3. Any person who violates this section a third time within ten
11 (10) years shall, upon conviction, be guilty of a misdemeanor
12 punishable by a fine not exceeding One Thousand Dollars (\$1,000.00),
13 imprisonment in the county jail for a minimum of thirty (30) days,
14 or by both such fine and imprisonment. The court may, with the
15 consent of the defendant, order the defendant to complete a
16 substance abuse assessment and evaluation and to complete a
17 diversion program for up to three (3) years following the date of
18 conviction. At the discretion of the court, the diversion program
19 may include drug testing as a requirement. If the defendant refuses
20 or fails to complete the assessment and evaluation or diversion
21 program, the court may impose punishment as provided for in
22 paragraph 1 of this subsection.

23 4. a. Any person who violates this section a fourth time
24 within ten (10) years shall, upon conviction, be

1 guilty of a felony punishable by a fine not exceeding
2 Five Thousand Dollars (\$5,000.00), imprisonment in the
3 custody of the Department of Corrections for not less
4 than one (1) year nor more than five (5) years, or by
5 both such fine and imprisonment.

6 b. Upon a verdict or plea of guilty or upon a plea of
7 nolo contendere, but before a judgment of guilt of a
8 violation of this paragraph, the court may, without
9 entering a judgment of guilt and with the consent of
10 the defendant, defer further proceedings upon the
11 specific conditions prescribed by the court not to
12 exceed a three-year period. The court may, with the
13 consent of the defendant, order the defendant to
14 complete a substance abuse assessment and evaluation
15 and to complete a diversion program for up to three
16 (3) years.

17 c. Upon successful completion of the court-ordered
18 substance abuse assessment and evaluation and
19 diversion program ordered by the court within the time
20 prescribed, the felony charge shall be changed to a
21 misdemeanor. If the defendant refuses or fails to
22 complete the assessment and evaluation or diversion
23 program, the court may impose punishment as provided
24 for in subparagraph a of this paragraph.

1 5. The provisions of this subsection shall not apply for
2 violations related to the possession of marijuana.

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

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

9

10 59-1-2013 JES 3/20/2023 9:09:06 AM

11

12

13

14

15

16

17

18

19

20

21

22

23

24