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lacking in other fundamental criminal sanctions. One might reasonably question the strength and enforcement "teeth" of the foregoing statute.

In conclusion, although the statute goes a long way toward alleviating some of Oklahoma's pollution problems, and particularly so since it places the financial responsibility on the offender, it does seem inadequate in regard to a consistent, comprehensive and fully effective program for pollution control.

Gaia T. Patterson

UNIFORM CONTROLLED DANGEROUS SUBSTANCES ACT:


The first regular session of the 1971 Legislature saw Oklahoma move toward the updating and modernization of its drug laws. The Uniform Controlled Dangerous Substances Act reflects the growing awareness of the scope of present-day drug abuse and a trend toward leniency for the first-time-possession offender.

The act repealed the former governing law in the area, the Uniform Narcotic Drug Act, and an attendant statute concerning the larceny of narcotic drugs. All provisions of the new law went into effect on September 1, 1971, except those provisions concerning the establishment of the Office of Commissioner of Narcotics and Dangerous Drugs, which became effective on April 28, 1971, the date of approval. The

1 OKLA. STAT. tit. 63, §§2-101 to -610 (1971).
2 OKLA. STAT. tit. 63, §401 (1953).
3 OKLA. STAT. tit. 21, §1725 (1949).
act is not retroactive, and prosecutions for violations prior to the effective date are controlled by the prior law.6

In passage of this act, Oklahoma joins only three other states in its adoption: Illinois,7 New Jersey,8 and Washington.9 Due to its earlier enactment, New Jersey is the only jurisdiction with appreciable case law interpretation.

Oklahoma is unique in that it has employed the act to create the enforcement position of Commissioner of Narcotics and Dangerous Drugs Control.10 In addition to the Commissioner's general enforcement duties, he is charged with the coordination of educational programs to prevent drug abuse and the collection of drug related information.

The substances to be controlled are broken down into grades of potential abuse under five general schedules. The listing commences with Schedule I, which contains those drugs with the highest potential for abuse. Each successive schedule contains substances lower in potential abuse and possible physical or psychological dependence, as compared with the next higher schedule. Familiar substances such as heroin, lysergic acid diethylamide, marihuana and mescaline,11 are listed within Schedule I. The heroin addiction control agent, methadone, is included as a Schedule II drug.12 It is interesting to note that while marihuana's lasting effects are still being debated by public health officials, it is found on Schedule I and amphetamine and barbituric compounds, whose permanent dangers are generally recognized, are found on Schedule III.13

7 PUB. A. 77-757 (1971) ILL. LAWS 1185.
8 N.J. STAT. ANN. tit. 24, §§24-1 to 45 (1971).
9 WASH. STAT. ANN. tit. 69, §§50.101 to .608 (1971).
Article III is devoted to a lengthy summation of the process for regulating the manufacture and distribution of the listed drugs.\textsuperscript{14}

Article IV is the Offenses and Penalties section of the Act.\textsuperscript{15} As to the various schedules, there is an attempt to differentiate between those who possess with intent to distribute and those who possess for personal consumption by requiring higher mandatory sentences for the former.

A possible area of confusion will be, as in the past, the determination of who is a regular distributor as opposed to the average consumer who is a casual seller, motivated only by peer group pressure or the support of his own habit. A possible solution might have been the adoption of a presumptive rule of possession for sale, based upon the quantity of drugs seized at the time of arrest. Such a standard would not be mechanically applied, but it would protect the casual user from the vengeful prosecutor's charging of the higher offense in questionable cases.

Oklahoma and the other enacting states have included a provision for authorization of twice the possible fine and imprisonment for violators who are at least twenty-one and distribute to a person under eighteen years of age.\textsuperscript{16}

The most publicized feature of the Act is the reduction from a felony to a misdemeanor upon first conviction for possession of marihuana.\textsuperscript{17} A significant point is the necessity for the accused to have "knowingly or intentionally"\textsuperscript{18} possessed the contraband in question.

An area of great importance to defense counsel is the provision for conditional discharge of guilt for the initial con-

\textsuperscript{14} \textit{Okla. Stat. tit. 63, §§2-301 to -314 (1971).}
\textsuperscript{15} \textit{Okla. Stat. tit. 63, §§2-401 to -413 (1971).}
\textsuperscript{16} \textit{Okla. Stat. tit. 63, §2-401(3) (D) (1971).}
\textsuperscript{17} \textit{Okla. Stat. tit. 63, §2-402(B) (2) (1971).}
\textsuperscript{18} \textit{Okla. Stat. tit. 63, §2-402(A) (1971).}