

1 HB152
2 147720-2
3 By Representative Weaver
4 RFD: Health
5 First Read: 06-FEB-13

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2 ENROLLED, An Act,

3 Relating to the practice of deceptively obtaining a
4 prescription for a controlled substance; to prohibit the
5 practice of deceptively obtaining the same or a similar
6 substance from two or more practitioners in a concurrent time
7 period; to prescribe criminal penalties for that practice; and
8 in connection therewith would have as its purpose or effect
9 the requirement of a new or increased expenditure of local
10 funds within the meaning of Amendment 621 of the Constitution
11 of Alabama of 1901, now appearing as Section 111.05 of the
12 Official Recompilation of the Constitution of Alabama of 1901,
13 as amended.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

15 Section 1. (a) It is unlawful for any person to
16 deceptively obtain a controlled substance, as defined in
17 Section 20-2-2(4), Code of Alabama 1975, from a medical
18 practitioner by intentionally and knowingly withholding
19 information from the medical practitioner that the person has
20 obtained a prescription for the same controlled substance or
21 another controlled substance of similar therapeutic use in a
22 concurrent time period from another medical practitioner. The
23 unlawful activity is complete upon the delivery of the
24 prescription to the patient and occurs at the location of the
25 delivery.

1 (b) A violation of subsection (a) constitutes a
2 Class A misdemeanor punishable as prescribed by law.

3 (c) A person who commits a fourth or subsequent
4 violation of subsection (a) within a five-year period commits
5 a Class C felony.

6 Section 2. Although this bill would have as its
7 purpose or effect the requirement of a new or increased
8 expenditure of local funds, the bill is excluded from further
9 requirements and application under Amendment 621 because the
10 bill defines a new crime or amends the definition of an
11 existing crime.

12 Section 3. This act shall become effective on the
13 first day of the third month following its passage and
14 approval by the Governor, or its otherwise becoming law.

