

1 SB114
2 147720-1
3 By Senators Ward, Reed, Allen, Whatley, Taylor, Glover,
4 Pittman, Waggoner, Marsh, Williams, Holtzclaw, Fielding,
5 McGill, Scofield, and Bussman
6 RFD: Judiciary
7 First Read: 05-FEB-13

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8 SYNOPSIS: Currently, there is not a specific legal
9 prohibition on the practice of deceptively
10 obtaining the same or a similar controlled
11 substance from two or more medical practitioners in
12 a concurrent time period.

13 This bill would prohibit that practice and
14 provide criminal penalties for violations.

15 Amendment 621 of the Constitution of Alabama
16 of 1901, now appearing as Section 111.05 of the
17 Official Recompilation of the Constitution of
18 Alabama of 1901, as amended, prohibits a general
19 law whose purpose or effect would be to require a
20 new or increased expenditure of local funds from
21 becoming effective with regard to a local
22 governmental entity without enactment by a 2/3 vote
23 unless: it comes within one of a number of
24 specified exceptions; it is approved by the
25 affected entity; or the Legislature appropriates
26 funds, or provides a local source of revenue, to
27 the entity for the purpose.

1 The purpose or effect of this bill would be
2 to require a new or increased expenditure of local
3 funds within the meaning of the amendment. However,
4 the bill does not require approval of a local
5 governmental entity or enactment by a 2/3 vote to
6 become effective because it comes within one of the
7 specified exceptions contained in the amendment.
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9 A BILL
10 TO BE ENTITLED
11 AN ACT
12

13 Relating to the practice of deceptively obtaining a
14 prescription for a controlled substance; to prohibit the
15 practice of deceptively obtaining the same or a similar
16 substance from two or more practitioners in a concurrent time
17 period; to prescribe criminal penalties for that practice; and
18 in connection therewith would have as its purpose or effect
19 the requirement of a new or increased expenditure of local
20 funds within the meaning of Amendment 621 of the Constitution
21 of Alabama of 1901, now appearing as Section 111.05 of the
22 Official Recompilation of the Constitution of Alabama of 1901,
23 as amended.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. (a) It is unlawful for any person to
26 deceptively obtain a controlled substance, as defined in
27 Section 20-2-2(4), Code of Alabama 1975, from a medical

1 practitioner by intentionally and knowingly withholding
2 information from the medical practitioner that the person has
3 obtained a prescription for the same controlled substance or
4 another controlled substance of similar therapeutic use in a
5 concurrent time period from another medical practitioner. The
6 unlawful activity is complete upon the delivery of the
7 prescription to the patient and occurs at the location of the
8 delivery.

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

11 (c) A person who commits a fourth or subsequent
12 violation of subsection (a) within a five-year period commits
13 a Class C felony.

14 Section 2. Although this bill would have as its
15 purpose or effect the requirement of a new or increased
16 expenditure of local funds, the bill is excluded from further
17 requirements and application under Amendment 621 because the
18 bill defines a new crime or amends the definition of an
19 existing crime.

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