

1 SB363
2 184407-1
3 By Senators Pittman, Whatley, Marsh, Allen, Shelnutt, Bussman,
4 Holtzclaw, Williams, Livingston, Chambliss, Glover, Holley,
5 Scofield, Albritton, Hightower, Reed and Orr
6 RFD: Judiciary
7 First Read: 06-APR-17

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8 SYNOPSIS: This bill would establish the crime of
9 falsification of a drug test, making it illegal to
10 use or possess a substance or device with the
11 intent to falsify the results of a drug test.

12 This bill would also make it illegal, with
13 exceptions, to sell synthetic urine.

14 Amendment 621 of the Constitution of Alabama
15 of 1901, now appearing as Section 111.05 of the
16 Official Recompilation of the Constitution of
17 Alabama of 1901, as amended, prohibits a general
18 law whose purpose or effect would be to require a
19 new or increased expenditure of local funds from
20 becoming effective with regard to a local
21 governmental entity without enactment by a 2/3 vote
22 unless: it comes within one of a number of
23 specified exceptions; it is approved by the
24 affected entity; or the Legislature appropriates
25 funds, or provides a local source of revenue, to
26 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 drug tests and the sale of synthetic
14 urine; to establish the crimes of falsification of a drug
15 test; and in connection therewith would have as its purpose or
16 effect the requirement of a new or increased expenditure of
17 local funds within the meaning of Amendment 621 of the
18 Constitution of Alabama of 1901, now appearing as Section
19 111.05 of the Official Recompilation of the Constitution of
20 Alabama of 1901, as amended.

21 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

22 Section 1. (a) As used in this section, the
23 following terms have the following meanings:

24 (1) DRUG TEST. A lawfully administered test designed
25 to detect the presence of a controlled substance or a
26 controlled substance analogue.

1 (2) SYNTHETIC URINE. A product or substance designed
2 to falsify the results of a drug test for a human being.

3 (b) A person commits the crime of falsification of a
4 drug test if he or she uses or possesses a substance or device
5 with the intent to falsify the results of a drug test,
6 including, but not limited to, adulterated, substituted, or
7 synthetic urine.

8 (c) (1) Except as otherwise provided in subdivision
9 (2), a person commits the crime of the sale of synthetic urine
10 if he or she sells synthetic urine.

11 (2) It is not an offense for a person to sell
12 synthetic urine to an individual for bona fide educational,
13 medical, or scientific purposes. Any person selling synthetic
14 urine for such purposes shall maintain documentation as to the
15 educational, medical, or scientific purpose for each
16 individual sale of the urine for a period of not less than
17 five years.

18 (d) Falsification of a drug test or the sale of
19 synthetic urine is a Class A misdemeanor.

20 Section 2. Although this bill would have as its
21 purpose or effect the requirement of a new or increased
22 expenditure of local funds, the bill is excluded from further
23 requirements and application under Amendment 621, now
24 appearing as Section 111.05 of the Official Recompilation of
25 the Constitution of Alabama of 1901, as amended, because the
26 bill defines a new crime or amends the definition of an
27 existing crime.

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