

1 SB111
2 203021-1
3 By Senator Orr
4 RFD: Judiciary
5 First Read: 04-FEB-20

8 SYNOPSIS: This bill would prohibit the manufacture,
9 marketing, sale, distribution, use, and possession
10 of synthetic urine or a urine additive to defraud
11 an alcohol, drug, or urine screening test.

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

25 The purpose or effect of this bill would be
26 to require a new or increased expenditure of local
27 funds within the meaning of the amendment. However,

1 the bill does not require approval of a local
2 governmental entity or enactment by a 2/3 vote to
3 become effective because it comes within one of the
4 specified exceptions contained in the amendment.

5
6 A BILL
7 TO BE ENTITLED
8 AN ACT
9

10 Relating to crimes and offenses; to prohibit the
11 manufacture, marketing, sale, distribution, use, and
12 possession of synthetic urine or a urine additive under
13 certain conditions; and in connection therewith would have as
14 its purpose or effect the requirement of a new or increased
15 expenditure of local funds within the meaning of Amendment 621
16 of the Constitution of Alabama of 1901, now appearing as
17 Section 111.05 of the Official Recompilation of the
18 Constitution of Alabama of 1901, as amended.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20 Section 1. (a) As used in this act, the following
21 terms have the following meanings:

22 (1) DEFRAUD. A misrepresentation of a material fact
23 made willfully to deceive or with reckless disregard as to its
24 truth or falsity.

25 (2) SYNTHETIC URINE. A substance that is designed to
26 simulate the composition, chemical properties, physical
27 appearance, or physical properties of human urine.

1 (3) URINE ADDITIVE. A substance that is designed to
2 be added to human urine.

3 (b) (1) No person shall knowingly manufacture,
4 market, sell, distribute, use, or possess synthetic urine or a
5 urine additive to defraud an alcohol, drug, or urine screening
6 test.

7 (2) No person shall knowingly use his or her urine
8 to defraud an alcohol, drug, or urine screening test if the
9 person's urine was expelled or withdrawn before collection of
10 the urine specimen for the test.

11 (c) This act does not apply to urine, synthetic
12 urine, or a urine additive that is manufactured, marketed,
13 sold, distributed, used, or possessed solely for educational,
14 medical, or scientific research.

15 (d) (1) On a first conviction of a violation of
16 subsection (b), the person is guilty of a Class B misdemeanor.

17 (2) On a second or subsequent conviction of
18 subsection (b), the person is guilty of a Class A misdemeanor.

19 (e) A person who collects urine specimens for
20 alcohol, drug, or urine screening tests who knows or has
21 reasonable cause to suspect that a person has used synthetic
22 urine or a urine additive to defraud an alcohol, drug, or
23 urine screening test in violation of subsection (b) shall
24 report that knowledge or suspicion to the appropriate law
25 enforcement agency.

26 Section 2. Although this bill would have as its
27 purpose or effect the requirement of a new or increased

1 expenditure of local funds, the bill is excluded from further
2 requirements and application under Amendment 621, now
3 appearing as Section 111.05 of the Official ReCompilation of
4 the Constitution of Alabama of 1901, as amended, because the
5 bill defines a new crime or amends the definition of an
6 existing crime.

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