

SENATE BILL No. 133

February 1, 2005, Introduced by Senators SANBORN, KUIPERS, BIRKHOLZ, BARCIA, CROUSEY, JELINEK, CASSIS, GOSCHKA and ALLEN and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
(MCL 750.1 to 750.568) by adding section 411u.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 411U. (1) A PERSON SHALL NOT DO EITHER OF THE FOLLOWING:

2 (A) USE A SUBSTANCE OR DEVICE WITH THE INTENT TO FALSIFY OR
3 DISTORT THE RESULTS OF A DRUG TEST REQUIRED BY LAW.

4 (B) DELIVER, SELL, OFFER FOR SALE, OR ADVERTISE FOR SALE A
5 SUBSTANCE OR DEVICE WITH THE KNOWLEDGE OR INTENTION THAT THE
6 SUBSTANCE OR DEVICE WILL BE USED TO FALSIFY OR DISTORT THE RESULTS
7 OF ANY DRUG TEST, WHETHER OR NOT THE DRUG TEST IS REQUIRED BY LAW.

8 (2) AS USED IN THIS SECTION:

9 (A) "CONTROLLED SUBSTANCE" MEANS THAT TERM AS DEFINED IN

1 SECTION 7104 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.7104.

2 (B) "DELIVER" MEANS THAT TERM AS DEFINED IN SECTION 7105 OF
3 THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.7105.

4 (C) "DRUG TEST" MEANS THE EXAMINATION OF A BODILY FLUID OR
5 SPECIMEN TO DETERMINE THE PRESENCE OF A CONTROLLED SUBSTANCE OR A
6 METABOLITE OF A CONTROLLED SUBSTANCE.

7 (3) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A
8 MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR
9 A FINE OF NOT MORE THAN \$1,000.00, OR BOTH.