

# MEMO

**TO:** Permit Holders and Applicants  
Metropolitan Beer Permit Board

**FROM:** R. Benton McDonough, JD  
Executive Director of Metropolitan Beer Permit Board

**DATE:** April 4, 2018

**RE:** Director's Memo: Synthetic Urine

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The Metropolitan Beer Permit Board (hereinafter referred to as “the Board”) has seen an increase in the amount of synthetic urine being sold by permit holders; specifically, off-sale establishments. The sale of synthetic urine is strictly prohibited in Tennessee, unless it meets the narrow exceptions set forth in T.C.A. § 39-17-437<sup>1</sup>. Further, such findings may be found to violate M.C.L 7.08.130(A)<sup>2</sup> and M.C.L. 7.08.140(T)<sup>3</sup>.

If a permit holder is found to be selling such substances and unable to provide proof of a “bona fide educational, medical or scientific purpose” in addition to documentation of each sale, the matter may be presented to the Board for determination of further disciplinary action. Under M.C.L. 7.08.150(A), the Board may impose a suspension or offer the permit holder the alternative of paying a civil penalty not to exceed one thousand dollars (\$1,000.00) for each violation. Finally, the Board may refer the matter to the District Attorney for criminal prosecution.

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<sup>1</sup> **TENN. CODE ANN. § 39-17-437 - (a) (1)** It is an offense for a person to intentionally use, or possess with the intent to use, any substance or device designed to falsify the results of a drug test of that person. **(2)** Except as provided in subdivision (a)(3), it is an offense for a person to sell synthetic urine. **(3)** It is not an offense for a person to sell synthetic urine to an individual for bona fide educational, medical or scientific purposes. Any person selling synthetic urine for such purposes shall maintain documentation as to the educational, medical or scientific purpose for each individual sale of such urine for a period not less than five (5) years. **(b)** As used in this section: **(1)** "Drug test" means a lawfully administered test designed to detect the presence of a controlled substance or a controlled substance analogue; and **(2)** "Synthetic urine" means any product or substance which is designed to falsify the results of a drug test for a human being. **(c) (1)** A violation of subdivision (a)(1) is a Class A misdemeanor. **(2)** A violation of subdivision (a)(2) is a Class C misdemeanor.

<sup>2</sup> **M.C.L. 7.08.130(A) – (A)** It is unlawful for any person: A. To bring, to cause, or allow to be brought onto the premises of any permittee under the provisions of this chapter any prohibited drugs within the meaning of Tennessee Code Annotated, Sections 53-10-101, et seq., and 39-17-401, et seq.,

<sup>3</sup> **M.C.L. 7.08.140(T) –** It is unlawful for any beer permit holder or his agent or employee: **(T)** To allow or engage in any criminal activity on the premises.