

As Reported by the House Criminal Justice Committee

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Am. Sub. S. B. No. 156

Senator Gavarone

Cosponsors: Senators Eklund, Manning, Coley, Antonio, Blessing, Burke, Craig, Dolan, Fedor, Hackett, Hoagland, Hottinger, Huffman, M., Huffman, S., Johnson, Kunze, Lehner, Maharath, Obhof, Peterson, Roegner, Wilson Representatives Lang, Leland, Crossman

A BILL

To enact section 2925.15 of the Revised Code to 1
prohibit defrauding an alcohol, drug, or urine 2
screening test. 3

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 2925.15 of the Revised Code be 4
enacted to read as follows: 5

Sec. 2925.15. (A) As used in this section: 6

(1) "Synthetic urine" means any substance that is designed 7
to simulate the composition, chemical properties, physical 8
appearance, or physical properties of human urine. 9

(2) "Urine additive" means any substance that is designed 10
to be added to human urine to mask the presence of alcohol or 11
drugs in the urine. 12

(3) "Bulk manufacturer of synthetic urine" means a 13
business that manufactures or causes the manufacture of at least 14
fifteen thousand gallons of synthetic urine on an annual basis. 15

(B) (1) No person shall knowingly manufacture, market, sell, distribute, or possess synthetic urine knowing or having reasonable cause to believe that it is more likely than not that any other person will attempt to use the synthetic urine to defraud an alcohol, drug, or urine screening test. 16
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(2) No person shall knowingly manufacture, market, sell, distribute, or possess a urine additive knowing or having reasonable cause to believe that it is more likely than not that any other person will attempt to use the urine additive to defraud an alcohol, drug, or urine screening test. 21
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(3) No person shall knowingly use synthetic urine or a urine additive to defraud an alcohol, drug, or urine screening test. 26
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(4) No person shall knowingly use the person's urine to defraud an alcohol, drug, or urine screening test if the person's urine was expelled or withdrawn before collection of the urine specimen for the test. 29
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(5) No person shall knowingly use the urine of another person to defraud an alcohol, drug, or urine screening test. 33
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(6) No person shall knowingly do either of the following: 35

(a) Sell or distribute the person's urine knowing or having reasonable cause to believe that it is more likely than not that any other person will attempt to use the urine to defraud an alcohol, drug, or urine screening test. 36
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(b) Sell or distribute the urine of another person knowing or having reasonable cause to believe that it is more likely than not that any other person will attempt to use the urine to defraud an alcohol, drug, or urine screening test. 40
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(C) This section does not apply if the manufacture, 44
marketing, sale, distribution, use, or possession of the urine 45
or urine additive is solely for a bona fide medical, scientific, 46
educational, or law enforcement purpose. 47

(D) (1) Whoever violates division (B) of this section is 48
guilty of defrauding an alcohol, drug, or urine screening test. 49

(2) Except as provided in division (D) (3) of this section, 50
a violation of division (B) of this section is a misdemeanor of 51
the second degree on a first offense and a misdemeanor of the 52
first degree on each subsequent offense. 53

(3) A violation of division (B) (3), (4), or (5) of this 54
section is a felony of the third degree if the offense was 55
committed by defrauding an alcohol, drug, or urine screening 56
test administered as a condition of community control. 57

(E) Except as prohibited by law, no person who collects 58
urine specimens for alcohol, drug, or urine screening tests who 59
knows that a person has used synthetic urine, a urine additive, 60
or another person's urine to defraud an alcohol, drug, or urine 61
screening test in violation of division (B) (3) or (5) of this 62
section shall fail to report that knowledge to law enforcement 63
authorities. 64

(F) For purposes of this section it is rebuttably presumed 65
that a bulk manufacturer of synthetic urine who manufactures, 66
markets, sells, or distributes synthetic urine does not know or 67
have reasonable cause to believe that any other person might use 68
the synthetic urine for an illegal purpose or to defraud an 69
alcohol, drug, or urine screening test in violation of division 70
(B) (1) of this section. 71

(G) Notwithstanding section 1.51 of the Revised Code, the 72

prosecution of a person for a violation of division (B) of this 73
section does not preclude prosecution of that person under 74
section 2921.12 or 2921.31 of the Revised Code. An act that can 75
be prosecuted under this section or section 2921.12 or 2921.31 76
of the Revised Code may be prosecuted under this section, 77
section 2921.12 or 2921.31 of the Revised Code, or this section 78
and section 2921.12 or 2921.31 of the Revised Code. However, if 79
the charges are based on the same conduct and involve the same 80
victim, the indictment or information may contain counts for all 81
such offenses, but the person may be convicted of only one. 82