

**Representative Steve Eliason** proposes the following substitute bill:

**FRAUDULENT DRUG TESTING AMENDMENTS**

2019 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Steve Eliason**

Senate Sponsor: Allen M. Christensen

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**LONG TITLE**

**General Description:**

This bill relates to defrauding an alcohol or drug test.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
  - ▶ makes it a criminal offense to distribute, possess, or sell an adulterant or synthetic urine;
  - ▶ makes it a criminal offense to defraud an alcohol or drug test using an adulterant, bodily fluid of another person, or bodily fluid expelled or withdrawn before collection for the test;
  - ▶ exempts from criminal liability a person who distributes, possesses, sells, or uses an adulterant or human or synthetic urine for the sole purpose of education or research;
- and
- ▶ requires the entity that collects specimens for the purpose of testing that becomes aware that an adulterated sample or synthetic urine was submitted for screening report it to the requesting employer and the Department of Public Safety.

**Money Appropriated in this Bill:**

None



26 **Other Special Clauses:**

27 None

28 **Utah Code Sections Affected:**

29 ENACTS:

30 **76-10-2203**, Utah Code Annotated 1953

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32 *Be it enacted by the Legislature of the state of Utah:*

33 Section 1. Section **76-10-2203** is enacted to read:

34 **76-10-2203. Possession, sale, or use of an adulterant or synthetic urine.**

35 (1) As used in this section, "adulterant" means a substance that may be added to human  
36 urine or another human bodily fluid to change, dilute, or interfere with the composition,  
37 chemical properties, physical appearance, or physical properties of the urine or other bodily  
38 fluid.

39 (2) Under circumstances not amounting to a violation of Section **76-8-510.5**, it is  
40 unlawful for a person to:

41 (a) distribute, possess, or sell synthetic urine;

42 (b) distribute or sell an adulterant with:

43 (i) intent that the adulterant be used to defeat or defraud an alcohol or drug screening  
44 test; or

45 (ii) knowledge that the recipient of the adulterant intends to use the adulterant to defeat  
46 or defraud an alcohol or drug screening test;

47 (c) possess an adulterant with intent to use the adulterant to defeat or defraud an  
48 alcohol or drug screening test; or

49 (d) intentionally use:

50 (i) an adulterant to defeat or defraud an alcohol or drug screening test;

51 (ii) the person's urine or bodily fluid to defeat or defraud an alcohol or drug screening  
52 test if the urine or bodily fluid was expelled or withdrawn before the time at which the urine or  
53 bodily fluid is collected for the test; or

54 (iii) the urine or bodily fluid of another person to defeat or defraud an alcohol or drug  
55 screening test.

56 (3) A person who violates this section is guilty of an infraction.

57           (4) A person is not guilty of a violation of this section for engaging in conduct  
58 described in this section for the sole purpose of education or medical or scientific research.

59           (5) This section does not apply to persons currently under ~~H~~→ ~~[the]~~ court-ordered ←~~H~~  
59a supervision ~~H~~→ [of Adult  
60 Probation and Parole] ←~~H~~ .

61           (6) An entity that collects specimens for the purpose of testing and screening, and  
62 reports the results back to an employer shall report to the employer and the Department of  
63 Public Safety if a report is received that indicates that adulterated or synthetic urine was  
64 submitted for an alcohol or drug screening test.