

**FRAUDULENT DRUG TESTING AMENDMENTS**

2019 GENERAL SESSION

STATE OF UTAH

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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 an offense to distribute, possess, sell, or use an adulterant to defraud an alcohol or drug test; and
- ▶ makes it an offense to defraud an alcohol or drug test using bodily fluid of another person or bodily fluid expelled or withdrawn before the test.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

ENACTS:

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

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

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

**76-10-2203. Possession, sale, or use of an adulterant to defraud drug test.**

(1) As used in this section, "adulterant" means a substance that:

(a) may be added to human urine or another human bodily fluid to change, dilute, or interfere with the composition, chemical properties, physical appearance, or physical properties of the urine or other bodily fluid; or

(b) is intended to imitate the composition, chemical properties, physical appearance, or physical properties of human urine or another human bodily fluid.

(2) It is unlawful for a person to:

- 33           (a) distribute or sell an adulterant:
- 34           (i) with intent that the adulterant be used to defeat or defraud an alcohol or drug  
35 screening test; or
- 36           (ii) with knowledge that the recipient of the adulterant intends to use the adulterant to  
37 defeat or defraud an alcohol or drug screening test;
- 38           (b) possess an adulterant with intent to use the adulterant to defeat or defraud an  
39 alcohol or drug screening test; or
- 40           (c) intentionally use:
- 41           (i) an adulterant to defeat or defraud an alcohol or drug screening test;
- 42           (ii) the person's urine or bodily fluid to defeat or defraud an alcohol or drug screening  
43 test if the urine or bodily fluid was expelled or withdrawn before the time at which the urine or  
44 bodily fluid is collected for the test; or
- 45           (iii) the urine or bodily fluid of another person to defeat or defraud an alcohol or drug  
46 screening test.
- 47           (3) A violation of Subsection (2) is a class B misdemeanor.