

## HB0016S01 compared with HB0016

~~{deleted text}~~ shows text that was in HB0016 but was deleted in HB0016S01.

Inserted text shows text that was not in HB0016 but was inserted into HB0016S01.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

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

~~{Committee Note:~~

~~—The Law Enforcement and Criminal Justice Interim Committee recommended this bill.~~

~~}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to defraud an alcohol or drug test using an adulterant, bodily fluid of another person, or bodily fluid expelled or withdrawn before collection for the test; ~~{and}~~

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- ▶ 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<sup>(f.)</sup>; 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

### 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 or synthetic urine.**

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

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

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

(b) distribute or sell an adulterant with:

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

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

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

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(d) intentionally use:

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

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or bodily fluid to defeat or defraud an alcohol or drug screening test if the urine or bodily fluid was expelled or withdrawn before the time at which the urine or bodily fluid is collected for the test; or

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

(3) ~~{(a) Except as provided in Subsection (3)(b), a}~~ A person who violates this section is guilty of ~~{a class B misdemeanor.~~

~~—— (b) A person who violates Subsection (2)(a) by distributing or selling synthetic urine is guilty of a class A misdemeanor}~~ an infraction.

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

(5) This section does not apply to persons currently under the supervision of Adult Probation and Parole.

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