



[HF 283](#) – Synthetic Urine Prohibition (LSB1216HV)
Staff Contact: Laura Book (515.205.9275) laura.book@legis.iowa.gov
Fiscal Note Version – New

Description

[House File 283](#) creates the criminal offense of defrauding a drug or alcohol test given in a private-sector workplace or by a public employer. The Bill prohibits a person from:

- Manufacturing, marketing, selling, distributing, using, or possessing synthetic urine or a urine additive for the purpose of defrauding a drug or alcohol test.
- Knowingly using a person's own urine expelled or withdrawn prior to the collection of urine for the purpose of defrauding a drug or alcohol test.
- Knowingly using the urine of another person for the purpose of defrauding a drug or alcohol test.

A person who violates the provisions of the Bill commits a simple misdemeanor for a first offense and a serious misdemeanor for all subsequent offenses. The Bill allows a person who collects a urine sample from another person for a drug or alcohol test, having knowledge or a reasonable suspicion that the other person has used synthetic urine or a urine additive in violation of the Bill, to report such information to law enforcement authorities. The Bill applies to both public and private-sector workplaces.

Background

A simple misdemeanor is punishable by confinement for no more than 30 days or a fine of at least \$105 but not more than \$855 or both. A serious misdemeanor is punishable by confinement for no more than one year and a fine of at least \$130 but not more than \$2,560.

Assumptions

- The following will not change over the projection period: charge, conviction, and sentencing patterns and trends; prisoner length of stay (LOS); revocation rates; plea bargaining; and other criminal justice system policies and practices.
- A lag effect of six months is assumed from the effective date of this Bill to the date of first entry of affected offenders into the correctional system.
- Marginal costs for county jails cannot be estimated due to a lack of data. For purposes of this analysis, the marginal cost for county jails is assumed to be \$50 per day.

Correctional Impact

House File 283 establishes a new criminal offense, and the correctional impact cannot be estimated due to a lack of existing conviction data. In addition, it is unknown how many drug tests are currently defrauded through synthetic urine.

Table 1 provides estimates for sentencing to State prison, parole, probation, or Community-Based Corrections (CBC) residential facilities; LOS under those supervisions; and supervision marginal costs per day for all convictions of serious misdemeanors. The LOS data is not applicable to simple or serious misdemeanors. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 22, 2021, for information related to the correctional system.

Table 1 — LOS and Sentencing Estimates

| Conviction Offense Class | Percent to Prison | Avg Length of Stay Prison (months) | FY 20 Marginal Cost/Day Prison | Percent Ordered to Probation | Avg LOS on Probation | Avg Cost Per Day on Probation | Percent Sentenced to CBC Residential Facility | FY 20 Marginal Cost CBC Per Day | Percent Ordered to County Jail | Avg Length of Stay in County Jail | Marginal Cost Per Day | Avg LOS on Parole | FY 20 Average Cost Per Day Parole |
|--------------------------|-------------------|------------------------------------|--------------------------------|------------------------------|----------------------|-------------------------------|---|---------------------------------|--------------------------------|-----------------------------------|-----------------------|-------------------|-----------------------------------|
| Serious Misdemeanor | 2.0% | 5.0 | \$20.33 | 56.0% | 13.4 | \$5.38 | 1.0% | \$14.78 | 69.0% | N/A | \$50.00 | 2.4 | \$5.38 |

Minority Impact

House File 283 establishes a new criminal offense, and it is unknown how often drug tests are defrauded through synthetic urine currently. As a result, the Criminal and Juvenile Justice Planning Division (CJJJ) of the Department of Human Rights cannot use prior existing data to estimate the minority impact of HF 283. In addition, there is no data available to account for any differences between races seeking the types of employment that would require such a test. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 27, 2021, for information related to minorities in the criminal justice system.

Fiscal Impact

House File 283 establishes a new criminal offense, and the fiscal impact cannot be estimated due to the lack of existing conviction data. **Table 2** contains cost estimates for the average State cost per offense class type for one conviction. The cost estimate includes operating costs incurred by the Judicial Branch, the State Public Defender, and the Department of Corrections for one conviction. The cost would be incurred across multiple fiscal years for prison and parole supervision.

Table 2 — Average State Cost Per Offense Class Type

| Offense Class | Total Cost | |
|---------------------|------------|---------|
| | Minimum | Maximum |
| Simple Misdemeanor | \$ 40 | \$ 350 |
| Serious Misdemeanor | 410 | 7,500 |

Sources

Criminal and Juvenile Justice Planning Division, Department of Human Rights
 Judicial Branch
 Department of Corrections

/s/ Holly M. Lyons

February 3, 2021

Doc ID 1210995

The fiscal note for this Bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.