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[SF 329](#) – Synthetic Urine Prohibition (LSB1216SV)  
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Fiscal Note Version – New

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## **Description**

[Senate File 329](#) 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- Knowingly using a person's own urine expelled or withdrawn prior to the collection of urine for the purpose of defrauding a drug or alcohol test.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**

Senate File 329 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**

Senate File 329 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 SF 329. 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**

Senate File 329 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

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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.