

**House File 2473 - Introduced**

HOUSE FILE 2473  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 539)

**A BILL FOR**

1 An Act creating the criminal offense of defrauding a drug or  
2 alcohol test and providing penalties.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 715A.1, Code 2020, is amended by adding  
2 the following new subsections:

3 NEW SUBSECTION. 1A. "*Drug or alcohol test*" includes a drug  
4 or alcohol test given in a private-sector workplace pursuant  
5 to section 730.5 and a drug or alcohol test given by a public  
6 employer.

7 NEW SUBSECTION. 1B. "*Public employer*" means the state,  
8 its boards, commissions, agencies, and departments, and its  
9 political subdivisions including school districts and other  
10 special purpose districts.

11 NEW SUBSECTION. 1C. "*Synthetic urine*" means any substance  
12 that is designed to simulate the composition, chemical  
13 properties, physical appearance, or physical properties of  
14 human urine for the purpose of defrauding a drug or alcohol  
15 test.

16 NEW SUBSECTION. 1D. "*Urine additive*" means any substance  
17 that is designed to be added to human urine for the purpose of  
18 defrauding a drug or alcohol test.

19 Sec. 2. NEW SECTION. 715A.11 **Synthetic urine and urine**  
20 **additives — defrauding drug or alcohol test.**

21 1. A person shall not manufacture, market, sell,  
22 distribute, use, or possess synthetic urine or a urine additive  
23 for the purpose of defrauding a drug or alcohol test.

24 2. A person shall not knowingly use the person's own urine  
25 expelled or withdrawn prior to the collection of a urine sample  
26 from the person for a drug or alcohol test for the purpose of  
27 defrauding a drug or alcohol test.

28 3. A person shall not knowingly use the urine of another  
29 person for the purpose of defrauding a drug or alcohol test.

30 4. This section shall not apply to the manufacture,  
31 marketing, sale, distribution, use, or possession of synthetic  
32 urine or a urine additive if the manufacture, marketing, sale,  
33 distribution, use, or possession is solely for educational or  
34 law enforcement purposes.

35 5. A person who violates this section is guilty of a simple

1 misdemeanor for a first offense and a serious misdemeanor for  
2 each subsequent offense.

3 6. Except as prohibited by law, a person who collects  
4 a urine sample from another person for a drug or alcohol  
5 test having knowledge or a reasonable suspicion that the  
6 other person has used synthetic urine or a urine additive to  
7 defraud the test in violation of subsection 1, may report such  
8 information to law enforcement authorities.

9 7. Notwithstanding any other law to the contrary, the  
10 prosecution of a person for a violation of this section  
11 shall not preclude a prosecution of that person under other  
12 applicable law.

13 8. This section shall not be construed to encourage,  
14 conflict with, or otherwise interfere with the preemption of  
15 any federal, state, or local laws or regulations related to  
16 drug and alcohol testing procedures and confidentiality.

17 EXPLANATION

18 The inclusion of this explanation does not constitute agreement with  
19 the explanation's substance by the members of the general assembly.

20 This bill creates the criminal offense of defrauding a drug  
21 or alcohol test.

22 The bill prohibits a person from manufacturing, marketing,  
23 selling, distributing, using, or possessing synthetic urine  
24 or a urine additive for the purpose of defrauding a drug  
25 or alcohol test; prohibits a person from knowingly using  
26 the person's own urine expelled or withdrawn prior to the  
27 collection of a urine sample from the person for a drug or  
28 alcohol test for the purpose of defrauding a drug or alcohol  
29 test; and prohibits a person from knowingly using the urine of  
30 another person to defraud a drug or alcohol test.

31 The bill provides that prosecution of a person for a  
32 violation of the bill does not preclude prosecution of that  
33 person under other applicable law. The bill shall not be  
34 construed to encourage, conflict with, or otherwise interfere  
35 with the preemption of any federal, state, or local laws or

1 regulations relating to drug or alcohol testing procedures and  
2 confidentiality.

3 The bill does not apply to the manufacture, marketing, sale,  
4 distribution, use, or possession of synthetic urine or a urine  
5 additive if the manufacture, marketing, sale, distribution,  
6 use, or possession is solely for educational or law enforcement  
7 purposes.

8 A person who violates the bill commits a simple misdemeanor  
9 for an initial offense and a serious misdemeanor for all  
10 subsequent offenses.

11 A simple misdemeanor is punishable by confinement for no  
12 more than 30 days or a fine of at least \$65 but not more than  
13 \$625 or by both. A serious misdemeanor is punishable by  
14 confinement for no more than one year and a fine of at least  
15 \$315 but not more than \$1,875.

16 The bill allows a person who collects a urine sample from  
17 another person for a drug or alcohol test, having knowledge or  
18 a reasonable suspicion that the other person has used synthetic  
19 urine or a urine additive in violation of the bill, to report  
20 such information to law enforcement authorities.

21 The bill defines "drug or alcohol test" as including a drug  
22 or alcohol test given in a private-sector workplace pursuant to  
23 Code section 930.5 and a drug or alcohol test given by a public  
24 employer.