

House Study Bill 539 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON HOLT)

A BILL FOR

1 An Act creating the criminal offense of defrauding a drug or
2 alcohol test in a private-sector workplace for employment
3 purposes and providing penalties.
4 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. "*Synthetic urine*" means any substance
4 that is designed to simulate the composition, chemical
5 properties, physical appearance, or physical properties of
6 human urine for the purpose of defrauding a drug or alcohol
7 test.

8 NEW SUBSECTION. 1B. "*Urine additive*" means any substance
9 that is designed to be added to human urine for the purpose of
10 defrauding a drug or alcohol test.

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

13 1. A person shall not manufacture, market, sell,
14 distribute, use, or possess synthetic urine or a urine additive
15 for the purpose of defrauding a drug or alcohol test given in a
16 private-sector workplace pursuant to section 730.5.

17 2. A person shall not knowingly use the person's own urine
18 expelled or withdrawn prior to the collection of a urine
19 sample from the person for a drug or alcohol test given in
20 a private-sector workplace pursuant to section 730.5 for the
21 purpose of defrauding a drug or alcohol test.

22 3. A person shall not knowingly use the urine of another
23 person for the purpose of defrauding a drug or alcohol test
24 given in a private-sector workplace pursuant to section 730.5.

25 4. This section shall not apply to the manufacture,
26 marketing, sale, distribution, use, or possession of synthetic
27 urine or a urine additive if the manufacture, marketing, sale,
28 distribution, use, or possession is solely for educational or
29 law enforcement purposes.

30 5. A person who violates this section is guilty of a simple
31 misdemeanor for a first offense and a serious misdemeanor for
32 each subsequent offense.

33 6. Except as prohibited by law, a person who collects
34 a urine sample from another person for a drug or alcohol
35 test given in a private-sector workplace pursuant to section

1 730.5, having knowledge or a reasonable suspicion that the
2 other person has used synthetic urine or a urine additive to
3 defraud the test in violation of subsection 1, may report such
4 information to law enforcement authorities.

5 7. Notwithstanding any other law to the contrary, the
6 prosecution of a person for a violation of this section
7 shall not preclude a prosecution of that person under other
8 applicable law.

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

13

EXPLANATION

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

16 This bill creates the criminal offense of defrauding a drug
17 or alcohol test in a private-sector workplace.

18 The bill prohibits a person from manufacturing, marketing,
19 selling, distributing, using, or possessing synthetic urine
20 or a urine additive for the purpose of defrauding a drug or
21 alcohol test given in a private-sector workplace pursuant to
22 Code section 730.5; prohibits a person from knowingly using
23 the person's own urine expelled or withdrawn prior to the
24 collection of a urine sample from the person for a drug or
25 alcohol test given pursuant to Code section 730.5 for the
26 purpose of defrauding a drug or alcohol test; and prohibits
27 a person from knowingly using the urine of another person
28 to defraud a drug or alcohol test given in a private-sector
29 workplace pursuant to Code section 730.5.

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

1 confidentiality.

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

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

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

15 The bill allows a person who collects a urine sample
16 from another person for a drug or alcohol test given in a
17 private-sector workplace pursuant to Code section 730.5, having
18 knowledge or a reasonable suspicion that the other person
19 has used synthetic urine or a urine additive in violation
20 of the bill, to report such information to law enforcement
21 authorities.