

Senate File 329 - Introduced

SENATE FILE 329
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO SSB 1047)

(COMPANION TO HF 283 BY
COMMITTEE ON JUDICIARY)

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 2021, 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25 expelled or withdrawn prior to the collection of a urine sample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 \$105 but not more
13 than \$855 or by both. A serious misdemeanor is punishable by
14 confinement for no more than one year and a fine of at least
15 \$130 but not more than \$2,560.

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 730.5 and a drug or alcohol test given by a public
24 employer.