HOUSE FILE 283
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 22)

(As Amended and Passed by the House February 16, 2021)
[= New Language by the House

A BILL FOR

An Act creating the criminal offense of defrauding a drug or alcohol test and providing penalties.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 715A.1, Code 2021, is amended by adding the following new subsections:

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

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

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

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

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

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

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 A person shall not knowingly use the person's own urine expelled or withdrawn prior to the collection of a urine sample from the person for a drug or alcohol test for the purpose of defrauding a drug or alcohol test.

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

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

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

misdemeanor for a first offense and a serious misdemeanor for each subsequent offense. [The court may require a substance abuse evaluation and treatment through a program licensed by the Iowa department of public health in lieu of or in addition to other penalties. All substance abuse evaluation required under this subsection shall be completed at the expense of the defendant.]

6. Except as prohibited by law, 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 to defraud the test in violation of subsection 1, may report such information to law enforcement authorities.

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

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