

**FRAUDULENT DRUG TESTING AMENDMENTS**

2019 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Steve Eliason**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**Committee Note:**

The Law Enforcement and Criminal Justice Interim Committee recommended this bill.

**General Description:**

This bill relates to defrauding an alcohol or drug test.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ makes it a criminal offense to distribute, possess, or sell an adulterant or synthetic urine;
- ▶ makes it a criminal offense to defraud an alcohol or drug test using an adulterant, bodily fluid of another person, or bodily fluid expelled or withdrawn before collection for the test; and
- ▶ exempts from criminal liability a person who distributes, possesses, sells, or uses an adulterant or human or synthetic urine for the sole purpose of education or research.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

ENACTS:



28 [76-10-2203](#), Utah Code Annotated 1953

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30 *Be it enacted by the Legislature of the state of Utah:*

31 Section 1. Section **76-10-2203** is enacted to read:

32 **76-10-2203. Possession, sale, or use of an adulterant or synthetic urine.**

33 (1) As used in this section, "adulterant" means a substance that may be added to human  
34 urine or another human bodily fluid to change, dilute, or interfere with the composition,  
35 chemical properties, physical appearance, or physical properties of the urine or other bodily  
36 fluid.

37 (2) Under circumstances not amounting to a violation of Section [76-8-510.5](#), it is  
38 unlawful for a person to:

39 (a) distribute, possess, or sell synthetic urine;

40 (b) distribute or sell an adulterant with:

41 (i) intent that the adulterant be used to defeat or defraud an alcohol or drug screening  
42 test; or

43 (ii) knowledge that the recipient of the adulterant intends to use the adulterant to defeat  
44 or defraud an alcohol or drug screening test;

45 (c) possess an adulterant with intent to use the adulterant to defeat or defraud an  
46 alcohol or drug screening test; or

47 (d) intentionally use:

48 (i) an adulterant to defeat or defraud an alcohol or drug screening test;

49 (ii) the person's urine or bodily fluid to defeat or defraud an alcohol or drug screening  
50 test if the urine or bodily fluid was expelled or withdrawn before the time at which the urine or  
51 bodily fluid is collected for the test; or

52 (iii) the urine or bodily fluid of another person to defeat or defraud an alcohol or drug  
53 screening test.

54 (3) (a) Except as provided in Subsection (3)(b), a person who violates this section is  
55 guilty of a class B misdemeanor.

56 (b) A person who violates Subsection (2)(a) by distributing or selling synthetic urine is  
57 guilty of a class A misdemeanor.

58 (4) A person is not guilty of a violation of this section for engaging in conduct

59 described in this section for the sole purpose of education or medical or scientific research.