



IOWA HOUSE DEMOCRATS

BILL SUMMARY

Defrauding a Drug or Alcohol Test

HF 2473

Status of Bill: House Calendar
Committee: Judiciary Committee (12-9)
Research Analyst: Bill Freeland, bill.freeland@legis.iowa.gov, 515-281-6311

Lead Democrat: Rep. Bennett
Floor Manager: Rep. Klein

Bill Summary

Creates a new crime under the Forgery and Related Fraudulent Criminal Acts Code for Defrauding a Drug or Alcohol Test. The crime prohibits a person from manufacturing, marketing, selling, distributing, using, or possessing synthetic urine or a urine additive for the purpose of defrauding a drug or alcohol test. A person shall not knowingly use the person's own urine from prior to the collection of urine sample for the purpose of defrauding a drug or alcohol test. A person cannot knowingly use the urine of another person for the purpose of defrauding a drug or alcohol test.

A "drug or alcohol test" includes a drug or alcohol test given in a private-sector workplace or by a public employer. Public employer means the state, including its boards, commissions, agencies, and departments and all political subdivisions, including school districts and other special purpose districts. "Synthetic urine" is any substance that is designed to simulate the composition, chemical property, physical appearance, or physical properties of human urine for the purpose of defrauding a drug or alcohol test.

A violation of this new crime is a simple misdemeanor for a first offense. A simple misdemeanor is punishable by incarceration of up to 30 days and a fine of up to \$625. A second or subsequent offense is a serious misdemeanor, punishable by incarceration of up to 1 year and a fine of up to \$1,875. Prosecution for a violation of this new crime does not preclude a prosecution of that person under any other application law.

A person who collects urine samples and have knowledge or a reasonable suspicion that the person giving the sample has used synthetic urine or a urine additive to defraud the test may report that information to law enforcement authorities. The section should not be construed to encourage, conflict with, or otherwise interfere with the preemption of any federal, state, or local laws or regulation related to drug and alcohol testing procedures and confidentiality.

The new crime does not apply to the manufacture, marketing, sale, distribution, use, or possession of synthetic urine or urine additive that are used solely for education or law enforcement purposes.

Fiscal Summary

The correctional impact of the change cannot be estimated because the bill creates a new criminal offense and the number of convictions cannot be estimated. The correctional impact and the minority impact cannot be estimated due to the lack of data.