

By: Representative Bain

To: Judiciary B

HOUSE BILL NO. 1320

1 AN ACT TO PROHIBIT THE CRIME OF SELLING, TRANSFERRING,
2 MARKETING OR GIVING AWAY URINE FOR THE PURPOSE OF ADULTERATING A
3 HUMAN URINE SAMPLE FOR A CHEMICAL TEST; TO PROVIDE PENALTIES FOR
4 SUCH CRIME; AND FOR RELATED PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 **SECTION 1.** (1) As used in this section, "adulterant" means
7 a substance that is not expected to be in human urine or another
8 human bodily fluid or a substance expected to be present in human
9 urine or another human bodily fluid but that is at a concentration
10 so high that it is not consistent with human urine or another
11 human bodily fluid, including without limitation:

- 12 (a) Bleach;
- 13 (b) Chromium;
- 14 (c) Creatinine;
- 15 (d) Detergent;
- 16 (e) Glutaraldehyde;
- 17 (f) Glutaraldehyde/squalene;
- 18 (g) Hydrochloric acid;
- 19 (h) Hydroiodic acid;



- 20 (i) Iodine;
- 21 (j) Nitrite;
- 22 (k) Peroxidase;
- 23 (l) Potassium dichromate;
- 24 (m) Potassium nitrite;
- 25 (n) Pyridinium chlorochromate; and
- 26 (o) Sodium nitrite.

27 (2) It is unlawful for a person to:

28 (a) Sell, give away, distribute, or market human or
29 synthetic urine in this state or transport human or synthetic
30 urine into this state with the intent of using the human or
31 synthetic urine to defraud or cause deceitful results in a drug or
32 alcohol screening test;

33 (b) Attempt to defeat or interfere with the results of
34 a drug or alcohol screening test by substituting synthetic urine
35 or substituting or spiking a human urine sample or by advertising
36 urine sample substitution or human urine spiking devices or
37 measures;

38 (c) Possess adulterants with intent to use such to
39 adulterate a human urine sample or other human bodily fluid sample
40 with intent to defraud or cause deceitful results in a drug or
41 alcohol screening test; or

42 (d) Sell or market an adulterant with the intent by the
43 seller or marketer that the product be used to adulterate a human
44 urine sample or other human bodily fluid sample for the purpose of



45 defrauding or causing deceitful results in a drug or alcohol
46 screening test.

47 (3) There shall be a rebuttable presumption of intent to
48 defraud or obtain deceitful results in a drug or alcohol screening
49 test if:

50 (a) A heating element or any other device used to
51 thwart a drug screening test accompanies the sale, giving,
52 distribution, or marketing of human or synthetic urine; or

53 (b) Instructions that provide a method for thwarting a
54 drug screening test accompany the sale, giving, distribution, or
55 marketing of human or synthetic urine.

56 (4) Upon conviction, a person who violates this act is
57 guilty of a misdemeanor and shall be subject to a fine of One
58 Thousand Dollars (\$1,000.00), imprisonment for six (6) months, or
59 both.

60 (5) Nothing in this act shall be construed to encourage,
61 conflict, or otherwise interfere with the preemption of state and
62 local laws under federal laws or United States Department of
63 Transportation regulations related to drug testing procedures and
64 confidentiality.

65 **SECTION 2.** This act shall take effect and be in force from
66 and after July 1, 2019.

