

HOUSE BILL NO. HB0065

Defrauding drug and alcohol screening tests.

Sponsored by: Representative(s) Lubnau and Senator(s) Burns, Ross and Von Flatern

A BILL

for

1 AN ACT relating to crimes and offenses; providing that
2 defrauding a drug or alcohol test is a crime as specified;
3 establishing the elements of the crime; providing
4 penalties; and providing for an effective date.

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6 *Be It Enacted by the Legislature of the State of Wyoming:*

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8 **Section 1.** W.S. 6-3-614 is created to read:

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10 **6-3-614. Defrauding drug and alcohol screening tests;**
11 **penalties.**

12

13 (a) A person is guilty of defrauding a drug and
14 alcohol screening test if he:

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1 (i) Sells, gives away, distributes or markets
2 urine in this state or transports urine into this state
3 with the intent of using the urine to defraud a drug or
4 alcohol screening test;

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6 (ii) Attempts to foil or defeat a drug or
7 alcohol screening test by the substitution or spiking of a
8 sample or the advertisement of a sample substitution or
9 other spiking device or measure;

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11 (iii) Adulterates a urine or other bodily fluid
12 sample with the intent to defraud a drug or alcohol
13 screening test;

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15 (iv) Possesses adulterants which are intended
16 to be used to adulterate a urine or other bodily fluid
17 sample for the purpose of defrauding a drug or alcohol
18 screening test; or

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20 (v) Sells adulterants which are intended to be
21 used to adulterate a urine or other bodily fluid sample for
22 the purpose of defrauding a drug or alcohol screening test.

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1 (b) Intent under subsection (a) of this section is
2 presumed if a heating element or any other device used to
3 thwart a drug-screening test accompanies the sale, giving,
4 distribution or marketing of urine, or if instructions
5 which provide a method for thwarting a drug-screening test
6 accompany the sale, giving, distribution or marketing of
7 urine.

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9 (c) A person who violates any provision of subsection
10 (a) of this section is guilty of:

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12 (i) A misdemeanor for a first offense and, upon
13 conviction, shall be subject to imprisonment for not more
14 than six (6) months, a fine of not more than seven hundred
15 fifty dollars (\$750.00), or both;

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17 (ii) A felony for a second or subsequent offense
18 and, upon conviction, shall be subject to imprisonment for
19 not more than five (5) years, a fine of not more than ten
20 thousand dollars (\$10,000.00), or both.

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22 **Section 2.** This act is effective July 1, 2007.

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(END)