

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003
4

As Engrossed: S3/17/03

A Bill

HOUSE BILL 1116

5 By: Representatives Martin, Hathorn, S. Prater, Walters, Clemons
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For An Act To Be Entitled

9 AN ACT TO PROHIBIT THE SALE AND USE OF URINE WITH
10 THE INTENT TO DEFRAUD A DRUG OR ALCOHOL SCREENING
11 TEST; AND FOR OTHER PURPOSES.
12

Subtitle

14 AN ACT TO PROHIBIT THE SALE AND USE OF
15 URINE WITH THE INTENT TO DEFRAUD A DRUG
16 OR ALCOHOL SCREENING TEST.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. (a) It is unlawful for a person to:

22 (1) Sell, give away, distribute, or market urine in this state
23 or transport urine into this state with the intent of using the urine to
24 defraud or cause deceitful results in a drug or alcohol screening test;

25 (2) Attempt to foil or defeat a drug or alcohol screening test
26 by the substitution or spiking of a urine sample, or by advertising urine
27 sample substitution or urine spiking devices or measures;

28 (3) Adulterate a urine or other bodily fluid sample with the
29 intent to defraud or cause deceitful results in a drug or alcohol screening
30 test;

31 (4) Possess adulterants which are intended to be used to
32 adulterate a urine or other bodily fluid sample for the purpose of defrauding
33 or causing deceitful results in a drug or alcohol screening test; or

34 (5) Sell or market an adulterant with the intent by the seller
35 or marketer that the product be used to adulterate a urine or other bodily
36 fluid sample for the purpose of defrauding or causing deceitful results in a



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1 drug or alcohol screening test.

2 (b) Intent to defraud or cause deceitful results in a drug or alcohol
3 screening test is presumed if:

4 (1) A heating element or any other device used to thwart a drug-
5 screening test accompanies the sale, giving, distribution, or marketing of
6 urine; or

7 (2) Instructions that provide a method for thwarting a drug-
8 screening test accompany the sale, giving, distribution, or marketing of
9 urine.

10 (c) Any person who violates subsection (a) of this section is guilty
11 of a Class B misdemeanor.

12 (d) The Department of Health shall maintain and update as part of its
13 database under the State Health Data Clearinghouse Act, § 20-7-301, et, seq.,
14 a list of substances that may be used to adulterate urine or other bodily
15 fluids that may be used in, or used to interfere with, a drug or alcohol
16 screening test.

17 (e) "Adulterant" means a substance this is not expected to be in human
18 urine or a substance expected to be present in human urine but that is at a
19 concentration so high that it is not consistent with human urine, including,
20 but not limited to:

21 (1) Bleach;

22 (2) Chromium;

23 (3) Creatinine;

24 (4) Detergent;

25 (5) Glutaraldehyde;

26 (6) Glutaraldehyde/squalene;

27 (7) Hydrochloric acid;

28 (8) Hydroiodic acid;

29 (9) Iodine;

30 (10) Nitrite;

31 (11) Peroxidase;

32 (12) Potassium dichromate;

33 (13) Potassium nitrite;

34 (14) Pyridinium chlorochromate; and

35 (15) Sodium Nitrite.

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1 SECTION 2. Nothing in this act shall be construed to encourage,
2 conflict or otherwise interfere with the preemption of state and local laws
3 under any federal laws or United States Department of Transportation
4 Regulation related to drug testing procedures and confidentiality.

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/s/ Martin