

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

SENATE BILL 1994

By: Pruitt

AS INTRODUCED

An Act relating to drugs; amending Section 6, Chapter 59, O.S.L. 2004 (63 O.S. Supp. 2005, Section 7002), which relates to adulterants for urine and human bodily fluids; modifying language; adding definition; making certain sale or marketing a felony; providing an effective date; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY Section 6, Chapter 59, O.S.L. 2004 (63 O.S. Supp. 2005, Section 7002), is amended to read as follows:

Section 7002. A. It is unlawful for a person to:

1. Sell, give away, distribute, or market human or synthetic urine in this state or transport human or synthetic urine into this state with the intent of using the urine to defraud or cause deceitful results in a urine, drug, or alcohol screening test;
2. Attempt to foil or defeat a urine, drug, or alcohol screening test by the substitution or spiking of a urine sample;
3. Advertise for sale any product designed to foil or defeat a urine, drug, or alcohol screening test;
4. Adulterate a urine or other bodily fluid sample with the intent to defraud or cause deceitful results in a urine, drug, or alcohol screening test;
5. Possess adulterants which are intended to be used to adulterate a urine or other bodily fluid sample for the purpose of defrauding or causing deceitful results in a urine, drug, or alcohol screening test; or
6. Sell or market an adulterant with the intent by the seller or marketer that the product be used to adulterate a urine or other

bodily fluid sample for the purpose of defrauding or causing deceitful results in a urine, drug, or alcohol screening test.

B. Intent to defraud or cause deceitful results in a urine, drug, or alcohol screening test is presumed if:

1. A heating element or any other device used to thwart a drug screening test accompanies the sale, giving, distribution, or marketing of urine; or

2. Instructions that provide a method for thwarting a drug screening test accompany the sale, giving, distribution, or marketing of urine.

C. As used in this section:

1. ~~"adulterant"~~ "Adulterant" means a substance that is not expected to be in human urine or a substance expected to be present in human urine but that is at a concentration so high that it is not consistent with human urine, including, but not limited to:

- ~~1. Bleach;~~ a. bleach,
- ~~2. Chromium;~~ b. chromium,
- ~~3. Creatinine;~~ c. creatinine,
- ~~4. Detergent;~~ d. detergent,
- ~~5. Glutaraldehyde;~~ e. glutaraldehyde,
- ~~6. Glutaraldehyde/squalene;~~ f. glutaraldehyde/squalene,
- ~~7. Hydrochloric acid;~~ g. hydrochloric acid,
- ~~8. Hydroiodic acid;~~ h. hydroiodic acid,
- ~~9. Iodine;~~ i. iodine,
- ~~10. Nitrite;~~ j. nitrite,
- ~~11. Peroxidase;~~ k. peroxidase,
- ~~12. Potassium dichromate;~~ l. potassium dichromate,
- ~~13. Potassium nitrite;~~ m. potassium nitrate,
- ~~14. Pyridinium chlorochromate;~~ n. pyridinium chlorochromate, and
- ~~15. Sodium nitrite~~ o. sodium nitrate; and

2. "Advertise for sale" means labeling, marketing, promoting, featuring, providing instructions for use as defined in paragraph 2 of subsection B of this section, or otherwise describing any substance, product, or nutritional supplement for sale to any person as a masking agent, adulterant, or way to alter or change a result for a urine, drug, or alcohol screening test.

D. 1. Any person convicted of violating any of the provisions of subsection A of this section shall be guilty of a misdemeanor ~~and shall be sentenced to~~ punishable by imprisonment in the county jail for a term of imprisonment in the county jail for a period of not more than one (1) year, or by a fine of in an amount not more than exceeding One Thousand Dollars (\$1,000.00), or by both such imprisonment and fine.

2. Any person convicted of selling, giving away, distributing, marketing, advertising for sale, or providing instructions for use as defined in paragraph 2 of subsection B of this section, of any substance, product, or nutritional supplement in violation of paragraph 1, 3 or 6 of subsection A of this section where a minor was the purchaser or recipient of such instruction, substance, product or nutritional supplement and used such instruction, substance, product or nutritional supplement in an attempt to violate any provision of this section shall be guilty of a felony.

SECTION 2. This act shall become effective July 1, 2006.

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.