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2nd Ohio Senate District

Sponsor Testimony for Substitute Senate Bill 156

House Criminal Justice Committee

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Chairman Lang, Vice-Chair Plummer, Ranking Member Leland and members of the Senate Judiciary Committee, thank you for your attention as I testify in favor of Senate Bill 156, legislation that prohibits defrauding a drug or urine screening test, and bans the sale and use of fake urine for that purpose. Fake urine could be synthetic, the urine of another person, or the person's own urine if it was collected before the screening.

We have certainly made progress in the fight against the opioid epidemic, but there is still more work to be done. Unfortunately, fake urine thwarts our efforts because it enables drug users to continue using, while also putting public safety at risk. After speaking with judges in my district, I learned that the use of fake urine is quite prevalent.

Synthetic urine is a product that resembles clean human urine. It is manufactured to contain an appropriate balance of water and minerals so that it mimics real urine. It also ensures the pH level is optimal, and of course, does not contain any drugs or substances that would result in a failed test.

Currently, synthetic urine is easily accessible. A quick Google search shows the sheer amount of brands and locations where you can purchase the product. In a recent article about this bill featured in the Toledo Blade, a quick survey of three local shops found between four and nine types of synthetic urine.ⁱ If you need to pass a drug test, there is no shortage of stores you can visit to acquire synthetic urine.

To be clear, there are no penalties, regardless of substance, for drug use included in this bill. It only affects people who decide to defraud a screening. However, I do believe there is an opportunity to both increase public safety, and incentivize drug abusers to seek treatment by banning synthetic urine.

The first reality we must deal with is the fact that people who use drugs and work in trucking, construction, manufacturing, or any other field that requires the use of heavy machinery, are more likely to hurt someone else or themselves. Each of those industries requires attention to detail, critical thinking and strong communication—skills that are severely impaired by drug use. Unfortunately, a study from the Substance Abuse and Mental Health Services Administration (SAMHSA) shows that workers in those industries suffer from some of the highest rates of alcohol and substance abuse among all professions.ⁱⁱ

Because of the skills required and danger present in those jobs, the pay is good and workers are in demand. However, because the rates of substance abuse are so high, it stands to reason that workers would do anything within their power, even if it means putting the safety of the public or their co-workers at risk, to stay in their position. Fake urine gives them the option to continue their drug use and threaten public safety.

The other problem fake urine poses is the promotion of continued drug use over treatment. My goal since joining the legislature has been to get as many people suffering from addiction as possible into voluntary treatment programs. Right now, it is much easier to walk into a store, purchase synthetic urine, follow the directions, and then cheat your test than complete substance abuse treatment.

In addition to providing an easier alternative to seeking treatment, fake urine creates an all-reward, no-risk proposition in Ohio. That is because there is not a penalty for defrauding a drug test.

In my experience as an attorney, I can tell you that without an incentive, most people will not attempt to go through the rehabilitation process. I believe most people would agree that keeping a job and not being charged with a high misdemeanor for defrauding a drug test provides that incentive.

It is important to note that this legislation has no impact on someone who is on parole or undergoes a court-ordered drug test. Those people, if caught defrauding a screening, can already be charged with tampering with evidence, a felony of the 3rd degree.

This is a serious issue. It is so serious that 18 other states have already passed similar legislation, including neighbors Indiana, Michigan, and West Virginia. These states recognized the negative impact that fake urine has on communities and workplaces. My hope is that Ohio will soon join the growing list of states prioritizing this forward-looking policy.

Chairman Lang, thank you for allowing me to testify and I look forward to answering any questions members of the committee may have.

ⁱ Pee in a Cup? Ohio Bill Would Ban Synthetic Urine as People Try to Beat Drug Tests
<https://www.toledoblade.com/local/politics/2019/06/05/theresa-gavarone-bill-would-ban-synthetic-urine-used-to-skirt-drug-tests/stories/20190605120>

ⁱⁱ Substance Use and Substance Use Disorder by Industry
https://www.samhsa.gov/data/sites/default/files/report_1959/ShortReport-1959.html