

As Passed by the Senate

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Sub. S. B. No. 156

Senator Gavarone

Cosponsors: Senators Eklund, Manning, Coley, Antonio, Blessing, Burke, Craig, Dolan, Fedor, Hackett, Hoagland, Hottinger, Huffman, M., Huffman, S., Johnson, Kunze, Lehner, Maharath, Obhof, Peterson, Roegner, Wilson

A BILL

To enact section 2925.15 of the Revised Code to 1
prohibit defrauding an alcohol, drug, or urine 2
screening test. 3

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 2925.15 of the Revised Code be 4
enacted to read as follows: 5

Sec. 2925.15. (A) As used in this section: 6

(1) "Synthetic urine" means any substance that is designed 7
to simulate the composition, chemical properties, physical 8
appearance, or physical properties of human urine. 9

(2) "Urine additive" means any substance that is designed 10
to be added to human urine to mask the presence of alcohol or 11
drugs in the urine. 12

(B) (1) No person shall knowingly manufacture, market, 13
sell, distribute, or possess synthetic urine knowing or having 14
reasonable cause to believe that it is more likely than not that 15
any other person will attempt to use the synthetic urine to 16

defraud an alcohol, drug, or urine screening test. 17

(2) No person shall knowingly manufacture, market, sell, 18
distribute, or possess a urine additive knowing or having 19
reasonable cause to believe that it is more likely than not that 20
any other person will attempt to use the urine additive to 21
defraud an alcohol, drug, or urine screening test. 22

(3) No person shall knowingly use synthetic urine or a 23
urine additive to defraud an alcohol, drug, or urine screening 24
test. 25

(4) No person shall knowingly use the person's urine to 26
defraud an alcohol, drug, or urine screening test if the 27
person's urine was expelled or withdrawn before collection of 28
the urine specimen for the test. 29

(5) No person shall knowingly use the urine of another 30
person to defraud an alcohol, drug, or urine screening test. 31

(6) No person shall knowingly do either of the following: 32

(a) Sell or distribute the person's urine knowing or 33
having reasonable cause to believe that it is more likely than 34
not that any other person will attempt to use the urine to 35
defraud an alcohol, drug, or urine screening test. 36

(b) Sell or distribute the urine of another person knowing 37
or having reasonable cause to believe that it is more likely 38
than not that any other person will attempt to use the urine to 39
defraud an alcohol, drug, or urine screening test. 40

(C) This section does not apply if the manufacture, 41
marketing, sale, distribution, use, or possession of the urine 42
or urine additive is solely for a bona fide medical, scientific, 43
educational, or law enforcement purpose. 44

(D) (1) Whoever violates division (B) of this section is 45
guilty of defrauding an alcohol, drug, or urine screening test. 46

(2) Except as provided in division (D) (3) of this section, 47
a violation of division (B) of this section is a misdemeanor of 48
the second degree on a first offense and a misdemeanor of the 49
first degree on each subsequent offense. 50

(3) A violation of division (B) (3), (4), or (5) of this 51
section is a felony of the third degree if the offense was 52
committed by defrauding an alcohol, drug, or urine screening 53
test administered as a condition of community control. 54

(E) Except as prohibited by law, no person who collects 55
urine specimens for alcohol, drug, or urine screening tests who 56
knows that a person has used synthetic urine, a urine additive, 57
or another person's urine to defraud an alcohol, drug, or urine 58
screening test in violation of division (B) (3) or (5) of this 59
section shall fail to report that knowledge to law enforcement 60
authorities. 61

(F) Notwithstanding section 1.51 of the Revised Code, the 62
prosecution of a person for a violation of division (B) of this 63
section does not preclude prosecution of that person under 64
section 2921.12 or 2921.31 of the Revised Code. An act that can 65
be prosecuted under this section or section 2921.12 or 2921.31 66
of the Revised Code may be prosecuted under this section, 67
section 2921.12 or 2921.31 of the Revised Code, or this section 68
and section 2921.12 or 2921.31 of the Revised Code. However, if 69
the charges are based on the same conduct and involve the same 70
victim, the indictment or information may contain counts for all 71
such offenses, but the person may be convicted of only one. 72