

House Bill 20

By: Representative Cox of the 105<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 9 of Title 16 of the Official Code of Georgia Annotated, relating to  
2 forgery and fraudulent practices, so as to prohibit certain activities relating to defrauding  
3 drug and alcohol screening tests; to provide for penalties; to repeal conflicting laws; and for  
4 other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Chapter 9 of Title 16 of the Official Code of Georgia Annotated, relating to forgery and  
8 fraudulent practices, is amended by adding at the end a new article to read as follows:

9 "ARTICLE 9

10 16-9-140.

11 (a) As used in this Code section, the term:

12 (1) 'Alcoholic' means 'alcoholic beverage' as defined in Code Section 3-1-2.

13 (2) 'Defraud' means to cause a person being subjected to a drug or alcohol screening test  
14 to appear not to have a drug or alcohol in his or her body or to have a lower level of a  
15 drug or alcohol in such person's body than that person actually has.

16 (3) 'Drug' means 'marijuana,' 'controlled substance,' or 'dangerous drug' as defined in  
17 Code Sections 16-13-21 and 16-13-71.

18 (b) It is unlawful for a person to:

19 (1) Sell, give away, distribute, or market urine in this state or transport urine into this  
20 state with the intent of using the urine to defraud a drug or alcohol screening test;

21 (2) Attempt to foil or defeat a drug or alcohol screening test by the substitution or  
22 spiking of a sample or the advertisement of a sample substitution or other spiking device  
23 or measure;

24 (3) Adulterate a urine or other bodily fluid sample with the intent to defraud a drug or

1 alcohol screening test;

2 (4) Possess adulterants which are intended to be used to adulterate a urine or other bodily  
3 fluid sample for the purpose of defrauding a drug or alcohol screening test; or

4 (5) Sell adulterants which are intended to be used to adulterate a urine or other bodily  
5 fluid sample for the purpose of defrauding a drug or alcohol screening test.

6 (c) Intent is presumed if a heating element or any other device used to thwart a drug or  
7 alcohol screening test accompanies the sale, giving, distribution, or marketing of urine or  
8 if instructions which provide a method for thwarting a drug or alcohol screening test  
9 accompany the sale, giving, distribution, or marketing of urine.

10 (d) A person who violates a provision of subsection (b) of this Code section:

11 (1) For a first offense, is guilty of a misdemeanor; and

12 (2) For a second or subsequent offense, is guilty of a felony and, upon conviction, shall  
13 be fined not more than \$10,000.00 or imprisoned not more than five years or both."

14

## **SECTION 2.**

15 All laws and parts of laws in conflict with this Act are repealed.