**By** Senator Baxley

_	12-00489-18 2018886
1	A bill to be entitled
2	An act relating to defrauding or attempting to defraud
3	drug tests; amending s. 817.565, F.S.; defining the
4	term "adulterant"; prohibiting a person from
5	defrauding or attempting to defraud a certain hair
6	follicle test; prohibiting a person from giving away
7	or transporting into this state a substance or device
8	that is used with intent to defraud or in attempts to
9	defraud a lawfully administered hair follicle test
10	designed to detect the presence of chemical substances
11	or controlled substances; creating enhanced criminal
12	penalties; creating a presumption of intent to defraud
13	or attempt to defraud under certain circumstances;
14	providing an effective date.
15	
16	Be It Enacted by the Legislature of the State of Florida:
17	
18	Section 1. Section 817.565, Florida Statutes, is amended to
19	read:
20	817.565 Chemical and controlled substance Urine testing,
21	fraudulent practices; penalties; presumption
22	(1) As used in this section, the term "adulterant" means a
23	substance that is not expected to be in human urine or a
24	substance expected to be present in human urine but which is at
25	a concentration higher than that which is consistent with human
26	urine, including, but not limited to, any of the following:
27	(a) Bleach.
28	(b) Chromium.
29	(c) Creatinine.

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CODING: Words stricken are deletions; words underlined are additions.

<ul> <li>(d) Detergent.</li> <li>(e) Glutaraldehyde.</li> <li>(f) Glutaraldehyde/squalene.</li> <li>(f) Glutaraldehyde/squalene.</li> <li>(g) Hydrochloric acid.</li> <li>(h) Hydroiddic acid.</li> <li>(i) Todine.</li> <li>(j) Nitrite.</li> <li>(k) Peroxidase.</li> <li>(l) Potassium dichromate.</li> <li>(m) Fyridinium chlorochromate.</li> <li>(o) Sodium nitrite.</li> <li>(i) Aperson may not It is unlawful for any person:</li> <li>(d) willfully to defraud or attempt to defraud a any</li> <li>lawfully administered urine or hair follicle test designed to</li> <li>detect the presence of chemical substances or controlled</li> <li>substances. <u>A person who violates this subsection commits a</u></li> <li><u>775.082 or s. 775.083.</u></li> <li>(<u>3)(tb) A person may not</u> willfully to manufacture,</li> <li>advertise, sell, give away, or distribute, or transport into</li> <li>this state a any substance, including an adulterant, a drug</li> <li>masking product, or synthetic or human urine, or device that</li> <li>which is used with intent intended to defraud or in attempt to</li> <li>defraud a any lawfully administered urine or hair follicle</li> <li>test designed to detect the presence of chemical substances or</li> <li>controlled substances. A person who violates this subsection</li> <li>masking product, or synthetic or human urine, or device that</li> <li>which is used with intent intended to defraud or in attempt to</li> <li>defraud a any lawfully administered urine or hair follicle</li> <li>test designed to detect the presence of chemical substances or</li> <li>controlled substances. A person who violates this subsection</li> <li>commits a misdemeanor of the first degree, punishable as</li> <li>provided in s. 775.082 or s. 775.083. A person who is convicted</li> </ul>		12-00489-18 2018886
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59	under this subsection and violates this subsection a second or
60	subsequent time commits a felony of the third degree, punishable
61	<u>as provided in s. 775.082, s. 775.083, or s. 775.084.</u>
62	(4) Intent to defraud or attempt to defraud a lawfully
63	administered urine or hair follicle test under this section is
64	presumed if:
65	(a) A heating element or any other device used to thwart
66	the test accompanies the transporting into this state,
67	advertising, sale, giving away, or distribution of the substance
68	or device; or
69	(b) Instructions that provide a method for thwarting the
70	test accompany the transporting into this state, advertising,
71	sale, giving away, or distribution of the substance or device.
72	(2) Any person who violates the provisions of this section
73	is guilty of a misdemeanor of the first degree, punishable as
74	provided in s. 775.082 or s. 775.083.
75	Section 2. This act shall take effect October 1, 2018.

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