

## **BILL ANALYSIS**

C.S.H.B. 502  
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Law Enforcement  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Some individuals are defeating drug-screening tests by obtaining devices or substances intended to defeat the tests. For example, a person might purchase clean urine from another person and substitute it for their own for purposes of the test. This bill makes it an offense for a person to knowingly offer to purchase, purchase, or offer to deliver such devices and substances to falsify drug test results.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 502 amends Section 481.133(a), Health and Safety Code, to provide that a person commits an offense if the person knowingly offers to purchase or purchases any substance or device designed to falsify drug-test results, and to provide that a person commits an offense if the person knowingly uses or possesses with intent to use any substance or device designed to falsify drug test results, deleting the current requirement of intent in addition to knowledge.

The bill amends Section 481.133(b), Health and Safety Code, to provide that a person commits an offense if the person knowingly offers to deliver a substance or device designed to falsify drug test results, and to provide that a person commits an offense if the person delivers a substance or device designed to falsify drug test results, deleting the current requirement that the delivery be intentional.

The bill amends Section 481.133(c), Health and Safety Code, to provide that, in this section, "drug test" means a lawfully administered test designed to detect the presence of a controlled substance or marihuana, a dangerous drug, as defined by Section 483.001, or an abusable volatile chemical, as defined by Section 485.001.

### **EFFECTIVE DATE**

September 1, 2005

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

House Bill 502 amends Chapter 38, Penal Code, by adding Section 38.21 as follows:

- Provides that a person commits an offense if the person sells, gives, or otherwise provides another with a urine specimen knowing that the specimen is intended to be used to defeat or defraud a drug-screening test
- Provides that a first offense is a Class B misdemeanor, a second offense is a Class A misdemeanor, and a third and subsequent offense is a state jail felony.
- Defines a "drug-screening test", for purposes of the section, as the process of analyzing a specimen of a person's urine to detect the presence in the person's body of a controlled substance, a dangerous drug, or an abusable volatile chemical, as those terms are defined by certain sections of the Health and Safety Code.

- Provides that the section applies only to a drug-screening test required by this state or an agency of this state, a political subdivision of this state or an agency of the political subdivision, or a court in this state having jurisdiction over the person.

C.S.H.B. 502 does not add this new section to the Penal Code.

C.S.H.B. 502 amends Section 481.133, Health and Safety Code, as follows:

- Amends subsection (a) to provide that a person commits an offense if the person knowingly offers to purchase or purchases any substance or device designed to falsify drug-test results, and to provide that a person commits an offense if the person knowingly uses or possesses with intent to use any substance or device designed to falsify drug test results, deleting the option that act be intentional.
- Amends subsection (b) to provide that a person commits an offense if the person knowingly offers to deliver a substance or device designed to falsify drug test results, and to provide that a person commits an offense if the person delivers a substance or device designed to falsify drug test results, deleting the current requirement that the delivery be intentional.
- Amends subsection (c) to provide that, in this section, "drug test" means a lawfully administered test designed to detect the presence of a controlled substance or marihuana, a dangerous drug, as defined by Section 483.001, or an abusable volatile chemical, as defined by Section 485.001.

House Bill 502 does not amend this section.