

By: Guillen

H.B. No. 502

A BILL TO BE ENTITLED

AN ACT

1
2 relating to prohibiting a person from providing urine to another
3 with intent to defeat or defraud a drug-screening test; providing
4 penalties.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Chapter 38, Penal Code, is amended by adding
7 Section 38.21 to read as follows:

8 Sec. 38.21. SUBSTITUTING URINE WITH INTENT TO DEFEAT OR
9 DEFRAUD DRUG-SCREENING TEST. (a) In this section, "drug-screening
10 test" means the process of analyzing a specimen of a person's urine
11 to detect the presence in the person's body of:

12 (1) a controlled substance, as defined by Section
13 481.002, Health and Safety Code;

14 (2) a dangerous drug, as defined by Section 483.001,
15 Health and Safety Code; or

16 (3) an abusable volatile chemical, as defined by
17 Section 485.001, Health and Safety Code.

18 (b) This section applies only to a drug-screening test that
19 is required by:

20 (1) this state or an agency of this state;

21 (2) a political subdivision of this state or an agency
22 of the political subdivision; or

23 (3) a court in this state having jurisdiction over the
24 person.

1 (c) A person commits an offense if the person sells, gives,
2 or otherwise provides another with a urine specimen knowing that
3 the specimen is intended to be used to defeat or defraud a
4 drug-screening test.

5 (d) Except as provided by Subsections (e) and (f), an
6 offense under this section is a Class B misdemeanor.

7 (e) If it is shown on the trial of an offense under this
8 section that the person has previously been convicted one time of an
9 offense under this section, the offense is a Class A misdemeanor.

10 (f) If it is shown on the trial of an offense under this
11 section that the person has previously been convicted two or more
12 times of an offense under this section, the offense is a state jail
13 felony.

14 SECTION 2. This Act takes effect September 1, 2005.