

SB 886 – Defrauding or Attempting to Defraud Drug Tests (Identical HB 1143)

This bill amends s. 817.565, F.S., expanding the defrauding of a chemical substances or controlled substances test beyond altered urine, to now include hair follicle testing. It also defines “adulterant”, and expands the illegal activities for manufacturing, advertising, selling, or distributing to also include giving away or transporting “into this state a substance, including an adulterant, a drug masking product, or synthetic or human urine, or device that is used with intent to defraud or in attempt to defraud a lawfully administered urine or hair follicle test. Both acts, while expanded through the inclusion of hair follicles and the adulterants, continue to be 1st degree misdemeanors. However, an **unranked, 3rd degree felony** is added for someone who commits these violations a second or subsequent time.

Per FDLE, in FY 16-17, there were 90 arrests, with 72 misdemeanor guilty convictions and 3 adjudications withheld. One person had received a prior arrest for this violation, and nobody had any prior convictions or adjudications withheld.

In FY 16-17, the incarceration rate for an unranked, 3rd degree felony was 9.5%.

CONFERENCE ADOPTED ESTIMATE: Positive Insignificant

Requested by: Senate and House