

2C:36-10

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2002 **CHAPTER:** 60

NJSA: 2C:36-10 (Criminalizes defrauding administration of a drug test)

BILL NO: A2098 (Substituted for S1384)

SPONSOR(S): Smith and Johnson

DATE INTRODUCED: March 18, 2002

COMMITTEE: **ASSEMBLY:** Law and Public Safety

SENATE: ----

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** June 13, 2002

SENATE: June 27, 2002

DATE OF APPROVAL: August 3, 2002

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (Assembly Committee Substitute enacted)

A2098

[SPONSORS STATEMENT:](#) (Begins on page 2 of original bill) [Yes](#)

COMMITTEE STATEMENT: [ASSEMBLY:](#) [Yes](#)

SENATE: No

FLOOR AMENDMENT STATEMENTS: No

LEGISLATIVE FISCAL ESTIMATE: No

S1384

[SPONSORS STATEMENT:](#) (Begins on page 2 of original bill) [Yes](#)

Bill and Sponsors Statement identical to A2098

COMMITTEE STATEMENT: **ASSEMBLY:** No

[SENATE:](#) [Yes](#)

Identical to Assembly Statement for A2098

FLOOR AMENDMENT STATEMENTS: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

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REPORTS:

No

HEARINGS:

No

NEWSPAPER ARTICLES:

No

P.L. 2002, CHAPTER 60, *approved August 3, 2002*
Assembly Committee Substitute for
Assembly, No. 2098

1 **AN ACT** concerning defrauding the administration of a drug test and
2 supplementing chapter 36 of Title 2C of the New Jersey Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. a. As used in this act, “defraud the administration of a drug
8 test” means to submit a substance that purports to be from a person
9 other than its actual source, or purports to have been excreted or
10 collected at a time other than when it was actually excreted or
11 collected, or to otherwise engage in conduct intended to produce a
12 false or misleading outcome of a test for the presence of a chemical,
13 drug or controlled dangerous substance, or a metabolite of a drug or
14 controlled dangerous substance, in the human body. It shall
15 specifically include, but shall not be limited to, the furnishing of urine
16 with the purpose that the urine be submitted for urinalysis as a true
17 specimen of a person.

18 b. Any person who offers for sale or rental, or who manufactures,
19 sells, transfers, or gives to any person, any instrument, tool, device or
20 substance adapted, designed or commonly used to defraud the
21 administration of a drug test, is guilty of a crime of the third degree.

22 c. Any person who knowingly defrauds the administration of a
23 drug test that is administered as a condition of employment or
24 continued employment as a law enforcement officer, corrections
25 officer, school bus driver, operator of a motorbus, employee of a rail
26 passenger service, firefighter, provider of emergency first-aid or
27 medical services, or any other occupation that requires the
28 administration of a drug test as a condition of employment or
29 continued employment by law, rule or regulation of the State or a local
30 agency, public authority, or the federal government, is guilty of a
31 crime of the third degree.

32 d. Any person who knowingly defrauds the administration of a
33 drug test that is administered as a condition of monitoring a person on
34 bail, in custody or on parole, probation or pretrial intervention, or any
35 other form of supervision administered in connection with a criminal
36 offense or juvenile delinquency matter, is guilty of a crime of the third
37 degree.

38 e. Any person who knowingly possesses any instrument, product,
39 tool, device or substance adapted, designed or commonly used to
40 defraud the administration of a drug test is guilty of a crime of the
41 fourth degree.

42 f. Any person who knowingly defrauds the administration of a
43 drug test which is administered as a condition of any employment or
44 continued employment not specified in subsection c. of this section is

1 guilty of a crime of the fourth degree.

2

3 2. This act shall take effect immediately.

4

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6

7

8 Criminalizes defrauding administration of a drug test.

ASSEMBLY, No. 2098

STATE OF NEW JERSEY 210th LEGISLATURE

INTRODUCED MARCH 18, 2002

Sponsored by:

Assemblyman ROBERT J. SMITH

District 4 (Camden and Gloucester)

Assemblyman GORDON M. JOHNSON

District 37 (Bergen)

Co-Sponsored by:

Assemblyman Gear

SYNOPSIS

Prohibits use or sale of products designed to defraud drug tests.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning drug and alcohol screening tests and
2 supplementing chapter 36 of Title 2C of the New Jersey Statutes.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. a. It shall be unlawful for a person to knowingly defraud or
8 attempt to defraud any lawfully administered urine, blood, hair, saliva
9 or other test designed to detect the presence of chemical or controlled
10 substances.

11 b. A person who violates this section commits a disorderly persons
12 offense.

13
14 2. a. It shall be unlawful for a person to knowingly manufacture,
15 sell, distribute, market, donate or transport, or attempt to
16 manufacture, sell, distribute, market, donate or transport, any
17 substance or device which is intended to defraud any lawfully
18 administered urine, blood, saliva, hair or other test designed to detect
19 the presence of chemical or controlled substances.

20 b. A person who violates this section commits a crime of the fourth
21 degree.

22
23 3. This act shall take effect immediately.

24
25
26 STATEMENT

27
28 This bill would make it a disorderly persons offense to defraud or
29 attempt to defraud any lawfully administered urine, blood, hair, saliva
30 or other test designed to detect the presence of chemical or controlled
31 substances. A disorderly persons offense is punishable by a term of
32 imprisonment of up to six months, a fine of up to \$1,000, or both.

33 The bill also would make it a crime of the fourth degree to
34 manufacture, sell, distribute, market, donate or transport, or attempt
35 to manufacture, sell, distribute, market, donate or transport, any
36 substance or device which is intended to defraud or attempt to defraud
37 any lawfully administered urine, saliva, hair or other test designed to
38 detect the presence of chemical or controlled substances. Fourth
39 degree crimes are punishable by a term of imprisonment of up to 18
40 months, a fine of up to \$10,000, or both.

41 This bill is in response to the proliferation of products being legally
42 marketed and sold to help people pass drug tests, such as urine tests,
43 administered for criminal justice or employment purposes. One
44 popular product is a "urine kit," comprised of a pouch containing a
45 urine sample, tubing and a heat packet to warm the sample, which can
46 be taped to the body of the person being tested to avoid detection.

1 Detoxification products, such as shampoos to cleanse hair follicles and
2 other additives used to evade detection of alcohol and drug use, such
3 as herbs, also are easily obtained in health food stores and over the
4 Internet.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR ASSEMBLY, No. 2098

STATE OF NEW JERSEY

DATED: MAY 16, 2002

The Assembly Law and Public Safety Committee reports favorably an Assembly Committee Substitute for Assembly Bill No. 2098.

The substitute criminalizes certain conduct involving the defrauding of the administration of a drug test.

Specifically, the substitute establishes as crimes of the third degree:

(1) Offering to sell or rent, or manufacturing, selling, transferring, or giving to any person, any instrument, tool, device or substance adapted, designed or commonly used to defraud the administration of a drug test.

(2) Knowingly defrauding the administration of a drug test that is administered as a condition of employment or continued employment as a law enforcement officer, corrections officer, school bus driver, operator of a motorbus, employee of a rail passenger service, firefighter, provider of emergency first-aid or medical services, or any other occupation that requires the administration of a drug test as a condition of employment or continued employment by law, rule or regulation of the State or a local agency, public authority, or the federal government.

(3) Knowingly defrauding the administration of a drug test that is administered as a condition of monitoring a person on bail, in custody or on parole, probation or pretrial intervention, or any other form of supervision administered in connection with a criminal offense or juvenile delinquency matter.

Third degree crimes are punishable by a term of imprisonment of between three and five years, a fine of up to \$15,000, or both.

The substitute also establishes as crimes of the fourth degree:

(1) Knowingly possessing any instrument, product, tool, device or substance adapted, designed or commonly used to defraud the administration of a drug test.

(2) Knowingly defrauding the administration of a drug test which is administered as a condition of any employment or continued employment other than as a law enforcement officer, corrections officer, school bus driver, operator of a motorbus, employee of a rail passenger service, firefighter or provider of emergency first-aid or medical services.

Fourth degree crimes are punishable by imprisonment of up to 18 months, a fine of up to \$10,000, or both.

SENATE, No. 1384

STATE OF NEW JERSEY
210th LEGISLATURE

INTRODUCED MARCH 25, 2002

Sponsored by:

Senator JOHN J. MATHEUSSEN
District 4 (Camden and Gloucester)
Senator PETER A. INVERSO
District 14 (Mercer and Middlesex)

SYNOPSIS

Prohibits use or sale of products designed to defraud drug tests.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning drug and alcohol screening tests and
2 supplementing chapter 36 of Title 2C of the New Jersey Statutes.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. a. It shall be unlawful for a person to knowingly defraud or
8 attempt to defraud any lawfully administered urine, blood, hair, saliva
9 or other test designed to detect the presence of chemical or controlled
10 substances.

11 b. A person who violates this section commits a disorderly persons
12 offense.

13
14 2. a. It shall be unlawful for a person to knowingly manufacture,
15 sell, distribute, market, donate or transport, or attempt to
16 manufacture, sell, distribute, market, donate or transport, any
17 substance or device which is intended to defraud any lawfully
18 administered urine, blood, saliva, hair or other test designed to detect
19 the presence of chemical or controlled substances.

20 b. A person who violates this section commits a crime of the fourth
21 degree.

22
23 3. This act shall take effect immediately.

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26 STATEMENT

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28 This bill would make it a disorderly persons offense to defraud or
29 attempt to defraud any lawfully administered urine, blood, hair, saliva
30 or other test designed to detect the presence of chemical or controlled
31 substances. A disorderly persons offense is punishable by a term of
32 imprisonment of up to six months, a fine of up to \$1,000, or both.

33 The bill also would make it a crime of the fourth degree to
34 manufacture, sell, distribute, market, donate or transport, or attempt
35 to manufacture, sell, distribute, market, donate or transport, any
36 substance or device which is intended to defraud or attempt to defraud
37 any lawfully administered urine, saliva, hair or other test designed to
38 detect the presence of chemical or controlled substances. Fourth
39 degree crimes are punishable by a term of imprisonment of up to
40 18 months, a fine of up to \$10,000, or both.

41 This bill is in response to the proliferation of products being legally
42 marketed and sold to help people pass drug tests, such as urine tests,
43 administered for criminal justice or employment purposes. One
44 popular product is a "urine kit," comprised of a pouch containing a
45 urine sample, tubing and a heat packet to warm the sample, which can
46 be taped to the body of the person being tested to avoid detection.

- 1 Detoxification products, such as shampoos to cleanse hair follicles and
- 2 other additives used to evade detection of alcohol and drug use, such
- 3 as herbs, also are easily obtained in health food stores and over the
- 4 Internet.

SENATE LAW AND PUBLIC SAFETY AND VETERANS'
AFFAIRS COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 1384

STATE OF NEW JERSEY

DATED: JUNE 13, 2002

The Senate Law and Public Safety and Veterans' Affairs Committee reports favorably a Senate Committee Substitute for Senate Bill No. 1384.

This substitute criminalizes certain conduct involving the defrauding of the administration of a drug test.

Specifically, the substitute establishes as crimes of the third degree: (1) Offering to sell or rent, or manufacturing, selling, transferring, or giving to any person, any instrument, tool, device or substance adapted, designed or commonly used to defraud the administration of a drug test.

(2) Knowingly defrauding the administration of a drug test that is administered as a condition of employment or continued employment as a law enforcement officer, corrections officer, school bus driver, operator of a motorbus, employee of a rail passenger service, firefighter, provider of emergency first-aid or medical services, or any other occupation that requires the administration of a drug test as a condition of employment or continued employment by law, rule or regulation of the State or a local agency, public authority, or the federal government.

(3) Knowingly defrauding the administration of a drug test that is administered as a condition of monitoring a person on bail, in custody or on parole, probation or pretrial intervention, or any other form of supervision administered in connection with a criminal offense or juvenile delinquency matter.

Third degree crimes are punishable by a term of imprisonment of between three and five years, a fine of up to \$15,000, or both.

The substitute also establishes as crimes of the fourth degree:

(1) Knowingly possessing any instrument, product, tool, device or substance adapted, designed or commonly used to defraud the administration of a drug test.

(2) Knowingly defrauding the administration of a drug test which is administered as a condition of any employment or continued employment other than as a law enforcement officer, corrections

officer, school bus driver, operator of a motorbus, employee of a rail passenger service, firefighter or provider of emergency first-aid or medical services.

Fourth degree crimes are punishable by imprisonment of up to 18 months, a fine of up to \$10,000, or both.

This committee substitute is identical to the Assembly Committee Substitute for Assembly Bill No. 2098, as approved by the General Assembly on June 13, 2002.