

SECOND REGULAR SESSION

# HOUSE BILL NO. 1445

## 94TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES ROORDA (Sponsor), HARRIS (23),  
McGHEE AND BIVINS (Co-sponsors).

Pre-filed December 18, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

3647L.01I

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### AN ACT

To amend chapter 577, RSMo, by adding thereto three new sections relating to altering or falsifying drug or alcohol tests or test results, with penalty provisions.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 577, RSMo, is amended by adding thereto three new sections, to be  
2 known as sections 577.043, 577.045, and 577.047, to read as follows:

**577.043. As used in sections 577.045 and 577.047 the term "biological sample",**  
2 **includes but is not limited to urine, hair, hair follicles, perspiration, saliva, blood, and**  
3 **fingerprints.**

**577.045. 1. A person commits the crime of altering or falsifying drug or alcohol**  
2 **tests or test results if such person knowingly alters or falsifies drug or alcohol tests or test**  
3 **results by:**

4       **(1) Using or possessing with the intent to use any substance or device, including but**  
5 **not limited to false tubing, bladders, containers, or other device concealed on the body,**  
6 **designed to alter or falsify drug or alcohol tests or test results; or**

7       **(2) Submitting an altered, false, or adulterated biological sample; or**

8       **(3) Submitting a biological sample that was collected from another person or**  
9 **animal; or**

10       **(4) Submitting false documents or making false material statements with the intent**  
11 **to alter or falsify drug or alcohol tests or test results.**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

12           **2. Altering or falsifying drug or alcohol tests or test results is a class D felony.**

**577.047. 1. It is unlawful for any person to manufacture, possess, sell, give away,**  
2 **distribute, produce, or market a biological sample in this state or to transport a biological**  
3 **sample in this state with the intent that such biological sample be used to alter or falsify**  
4 **drug or alcohol tests or test results.**

5           **2. It is unlawful for any person to manufacture, possess, sell, give away, distribute,**  
6 **produce, or market adulterants with the intent that such adulterant be used to alter or**  
7 **falsify drug or alcohol tests or test results.**

8           **3. As used in this section the term "adulterant" means any additive which makes**  
9 **a sample impure or corrupt.**

10           **4. For the purpose of determining the intent of a person who is charged with a**  
11 **violation of subsection 1 or 2 of this section, the trier of fact may take into consideration**  
12 **whether or not verbal or written instructions or advice regarding any method of altering**  
13 **or falsifying drug tests or drug test results accompanied the sale, giving away, distribution,**  
14 **or marketing of the biological sample or adulterants.**

15           **5. Any person who violates the provisions of this section is guilty of a class A**  
16 **misdemeanor.**

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