DELAWARE STATE SENATE
150th GENERAL ASSEMBLY

SENATE BILL NO. 137

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO THE UNLAWFUL POSSESSION, DISTRIBUTION, DELIVERY, OR SALE OF DRUG MASKING PRODUCTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each house thereof concurring therein):

1      Section 1. Amend Subchapter IV, Chapter 47, Title 16 of the Delaware Code by making deletions as shown by

2      strike through and insertions as shown by underline as follows:

3      § 4770. Unlawful possession, distribution, delivery, or sale of drug masking products; class A misdemeanor or

4      class E felony.

5      (a) For purposes of this section:

6      (1) "Drug masking product" means a substance, including synthetic urine, designed to be added to human

7      urine or to human hair for the purpose of defrauding an alcohol or drug urine screening test.

8      (2) "Synthetic urine" means a substance that is designed to simulate the composition, chemical properties,

9      physical appearance, or physical properties of human urine.

10      (b) It is unlawful for any person to do any of the following:

11      (1) Possess a drug masking product.

12      (2) Distribute, deliver, or sell a drug masking product or to possess a drug masking product with the intent to

13      distribute, deliver, or sell the drug masking product.

14      (c)(1) Violation of paragraph (b)(1) of this section is a class A misdemeanor.

15      (2) Violation of paragraph (b)(2) of this section is a class E felony.

## SYNOPSIS

This Act creates the crimes of unlawful possession of a drug masking product, punishable as a class A misdemeanor, and unlawful distribution, delivery, or sale of a drug masking product, punishable as a class E felony. Drug masking products are designed to be added to human urine or human hair to defraud alcohol or drug urine screening tests.

Author: Senator Ennis