

# WEST VIRGINIA CODE: §60A-4-412

## **§60A-4-412. Defeating drug and alcohol screening tests; penalties.**

(a) Any person who:

- (1) Knowingly sells, gives away, distributes or markets any substance or product in this state or transports such a substance or product into this state with the intent that the substance or product will be used to defeat a drug or alcohol screening test;
- (2) Attempts to defeat a drug or alcohol screening test by the substitution of a false sample;
- (3) Knowingly advertises for sale or distribution any substance or product the advertised purpose of which is to defeat a bodily fluid screening test for drugs or alcohol;
- (4) Adulterates a bodily fluid sample with the intent to defeat a drug or alcohol screening test;
- (5) Knowingly possesses adulterants for the purpose of defeating a drug or alcohol screening test; or
- (6) Knowingly sells adulterants which are intended to be used to adulterate a urine or other bodily fluid sample for the purpose of defeating a drug or alcohol screening test.

(b) A person who violates a provision of subsection (a) of this section:

- (1) For a first offense is guilty of a misdemeanor and, upon conviction, shall be fined not more than \$1,000;
- (2) For a second offense is guilty of a misdemeanor and, upon conviction, be fined not more than \$5,000; and
- (3) For a third or subsequent offense is guilty of a misdemeanor and, upon conviction, be fined not more than \$10,000 or confined in the regional jail for not more than one year, or both.

(c) As used in this section, "adulterate" means a substance that is not expected to be in human fluids but that is a concentration so high that it is not consistent with human bodily fluids, including, but not limited to:

- (1) Bleach;
- (2) Chromium;
- (3) Creatinine;

- (4) Detergent;
- (5) Glutaraldehyde;
- (6) Glutaraldehyde/squalene;
- (7) Hydrochloric acid;
- (8) Hydroiodic acid;
- (9) Iodine;
- (10) Nitrite;
- (11) Peroxidase;
- (12) Potassium dichromate;
- (13) Potassium nitrate;
- (14) Pyridinium chlorochromate; and
- (15) Sodium nitrite.