

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.