

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1051

2005 HOUSE JUDICIARY

HB 1051

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1051

House Judiciary Committee

☐ Conference Committee

Hearing Date 1/05/05

Tape Number	Side A	Side B	Meter #
1	x		24.7-end
1		x	0-7.8

Committee Clerk Signature 

Minutes: 14 members present, 0 absent.

**Chairman DeKrey:** We will open the hearing on HB 1051.

**Rep. Ron Carlisle:** Explained the bill and the reason for proposing it, on behalf of Gail Hagerty, Judge of South Central Judicial District. (3 handouts were passed around the table, attached to the minutes). The bill basically says in line 7 and 8, that if you adulterate or defraud a urine test, there is going to be some consequences. Down in lines 13, 14, and 15, we're looking at some of the people that sell usually on the Internet or places with the intent to defraud urine tests. The idea of the bill came about because of adult drug court legislation in the last two sessions. She had participants, from time to time, that hurt the integrity of the drug court by cheating on their drug tests; you are only cheating yourself and plus you're cheating the folks that are in the system. Since the bill was introduced, I, along with some others have done some research and it is getting a little more interesting than just cheating on the test. This is bleach, Mountain Dew, aquarium cleaner and this is water. If you are to help yourself to purge your system, for example,

from a drug test, you can drink massive amounts of water. No problem. What we found through BCI agents and interviews with citizens that have tried to beat the tests, they will take Mountain Dew and mix it with bleach and ingest it. So that tells me that we probably have a little bit bigger problem down the road, if you thought that fetal alcohol is going to cost some money down the road, let's try this. This is aquarium cleaner, with live bacteria in it, that also has been ingested by participants to beat the test. You can buy powdered urine on the Internet. You have all types of other ways to try to beat the test. This really concerns me, the bleach or any other type of ingredients, it might be Pinesol, you might beat the test, but I think that your esophagus, liver, kidneys; so however you folks in the committee, I purposely introduced this early so that we would have a little time. Other states have gone to this type of testing; Arkansas, Florida, New Jersey, South Carolina, Virginia and North Carolina. Judge Hagerty will explain her thoughts on the bill, but it is basically her bill. There are a couple of other folks that may offer some amendments.

**Representative Delmore:** I am just wondering about the second part of this. How easy it will be to actually enforce, since many of these people are online, etc. We've been through that before and it's not that I object to this portion of the bill, but it is going to be pretty difficult to follow through with these companies, who I firmly believe should be punished, but how easy is that going to happen to track them down.

**Rep. Carlisle:** Excellent question. If we even get the word out, maybe some of these folks - if we can save a few of them from that, by not offering their services via the Internet, which is where apparently a lot of this stuff, plus the things on the street, by virtue of the bill being introduced, if we can get one participant not to go this route, we'll probably save a lot of money

in the long run. It will be difficult. It's like anything, other states have tried it and once the word gets out, people understand that if they can't make the money, plus a lot of stuff doesn't work anyway.

**Representative Delmore:** Is there an education component to this at all, because it seems to me that part of what we need to do is to tell people that putting stuff like this in your system may get you out of your drug test problem or may not; but the damage that is can cause medically and physically to somebody.

**Rep. Carlisle:** That's what I am hoping that will come out of the purpose of this bill. Any kind of enlightenment, it's going to be well received.

**Chairman DeKrey:** Judge Hagerty.

**Gail Hagerty, South Central District Court Judge:** I am one of the judges for the District Court here in Burleigh County and the South Central Judicial District. This bill is one that is requested by the South Central Judicial District drug court team. We decided that we needed this kind of legislation after we attended some national training. Drug testing is an important part of the drug court process. The people in the program are tested regularly; sometimes 3 or 4 times a week during the initial part of the drug court program. It is really important that we have the testing because we want to keep the participants honest. Honesty is absolutely vital to having our program work. This legislation will give us the tool. I know that there might be a suggestion that if you are on probation and if you adulterate a sample, we can already deal with that through revocation of probation, but I really believe this needs to be a separate offense, there needs to be consequences for this criminal conduct and we need to have the tools to deal with the conduct. We are at the point now where people try to adulterate urine samples, if so, we generally won't

continue with them in the drug court program, because we don't feel like they are being honest with themselves or with us. We can work with people and we can help them through a really difficult process of getting clean and sober if they can be honest. That's important.

Unfortunately, there is a whole industry built up around beating drug testing. There are devices and substances that are widely advertised. I did a Google search yesterday and some of the products work and some don't. People can purchase freeze dried urine and other substances. As new methods are developed to try to beat the test, there are new ways to detect this. You talk about why people put this into their system, but honestly these are the people who have been using Meth. They have been using a substance that's produced in some garage. They aren't afraid generally of taking these substances. This bill would make it a Class A misdemeanor to willfully defraud a urine test. As drafted, the bill includes tests administered as a condition of parole, probation or court sponsored programs, like drug court. I brought this bill to the ND Judicial Conference to ask for their support, and one of the judges said, it really ought to be a condition, if you release someone on bond or bail and require drug testing, then the same sanctions should apply, so I prepared an amendment to try to handle that. The amendment would, in line 8, amend the bill to cover tests administered & required as a condition of bail or bond. The bill also makes it a Class A misdemeanor to manufacture, advertise, sell, or distribute a substance or device that is intended to defraud a urine test. I understand that that might be a rather difficult task for a prosecutor to prove, but I thought the same thing when we had the new law maybe 20 years ago on drug paraphernalia, and drug paraphernalia is sold and distributed in the same kinds of ways, and in fact because of the advertising that is available, I think that it is an offense that would be successfully prosecuted and I think it would assist in dealing with the

problems that we have with drug testing and drug usage. I think the bill is a workable bill and it would be a helpful bill and give us another tool.

**Representative Delmore:** First of all, what part does random testing play in also trying to control problems like this, does it seem to be effective.

**Judge Hagerty:** All of the drug testing for purposes of drug court is random because if you tell people when you are going to test them, of course you increase the likelihood that there will be problems, so it is random testing. Most of the people who are on probation have search provisions. So it is possible to determine if they are using these kinds of substances. There are tests available now that detect different substances that might be used to try to beat the test.

**Representative Delmore:** Aren't there legitimate purging programs. I do know people that there are people who really do purge their bodies using products. Is there a way to discriminate between somebody obviously using one of these products and someone using a product for health reasons.

**Judge Hagerty:** I think it would be pretty easy to make that distinction because of the way the products are advertised. These products are clearly being advertised to beat drug tests.

**Representative Meyer:** Has this been found that they are doing this in our court.

**Judge Hagerty:** We have had cases where there have been attempts to adulterate urine test, yes.

**Representative Meyer:** Very often.

**Judge Hagerty:** Not very often, because there are penalties for doing that; but it happens.

**Representative Meyer:** I think we just have to be real careful with our retailers, to make it a misdemeanor to advertise or sell, like with the case of herbal teas, many times they are to cleanse your system, and we are talking about dieting, not about drug tests. That is very important, like it

happened with the huffing, and bills came through where we wanted to punish them for selling hairspray. They weren't selling hairspray so that you could huff it.

**Judge Hagerty:** This legislation has been adopted in a number of states, and I think it is easy to distinguish between the people who are selling it with the intent that it be used that way. That is what the bill does require, that you would have to prove the intent to sell it for this purpose. I don't see that as a problem with the language with this bill, but I understand your concern.

**Representative Koppelman:** The intent of the amendment as I understand it, I haven't read it yet, but deals with bail and bond. Is that not considered a court administered program, because the bill...

**Judge Hagerty:** By court administered program, we are probably talking about something like a drug court program. Usually people who are on bond have not been convicted of a criminal offense, they are presumed innocent. We have conditions to assure that they will appear and to ensure that the public will be kept safe and particularly in the northeast part of the state, some of the judges are requiring people, who are out on bond for some offenses, to undergo drug testing; so they wanted to have this tool available to keep those tests honest, as well.

**Representative Koppelman:** Section 2, and the point that Rep. Delmore was making earlier, about the advertising, manufacture, sale, etc. It seems to me that there are drug tests administered for reasons other than bail, bonds, court related or probation or any kind of court related issue. For example, some employers do drug testing, professional athletes, is it your intention to make it an offense for the sale or manufacture, I'm not advocating trying to beat those tests either, I'm just asking if your intent is to make Section 2 broader reaching. It seems to me that it would.

**Judge Hagerty:** Yes.



**Representative Zaiser:** Just to comment to Rep. Meyer's comments, my son went through an outpatient program for marijuana abuse; and after coming away from that program, he talked to me about the number of different programs that the kids use to affect their urine, to affect all these things. He said that they were specifically advertised to do that, they weren't on the market things that are used for other things. They were clearly advertised to affect your urine.

**Representative Kretschmar:** Judge Hagerty, if someone tries to adulterate their urine, does that show in the test kits.

**Judge Hagerty:** As new ways to try to adulterate the sample are developed, new tests are developed to detect the presence of the adulterer. It is really clear what these substances are. They will not be confused with other household products, because of the intent requirement of the statute and because of the advertising.

**Representative Koppelman:** If your intent is to be more comprehensive with people who are attempting to beat drug tests, whether involving a court issue or a private sector or any other drug test administered, this would do that for the businesses involved in selling a product but not for the offender. Have you thought about making it illegal to try to beat a drug test, since you are making it illegal to try to advertise a substance to help someone do that.

**Judge Hagerty:** I think there are others that might advocate that at some point. It is a much bigger issue if you are looking at all of the people who are required to be tested for purposes of employment. It is a much bigger and different issue.

**Representative Delmore:** I would assume also, if we follow through with what Rep. Koppelman is talking about, then you would also have to prove that they had gotten that, in order

to charge the individual, you would have to prove that they got that product and some how have the evidence in court, would you not.

**Judge Hagerty:** You would have to prove that an adulterant was used and it was used for the purpose of defrauding a urine test. I think there are bigger issues and a lot of other parties who would be involved in a discussion of including testing for employment purposes. I'm not sure that would be a bad discussion, but I just think it would be a different discussion.

**Representative Boehning:** Judge Hagerty, how do you know somebody is doing this, adulterating their urine test. Is there something suspicious that comes up in the urine test, or do you test for bleach or some other type of cleaners in their urine.

**Judge Hagerty:** I am very pleased to say that the Probation officers and the people who administer the tests know a lot more about this than I do. They tell me that sometimes they can tell by the temperature, by color, by initial test they do and then they send it out for further testing, there are different things that might make them suspicious.

**Representative Boehning:** Basically it is experience by the probation officers.

**Judge Hagerty:** The people who are administering the test, generally they have to initially see the test being complied with and then they are able to make some determinations, and sometimes they might be able to tell by doing a probation search of a residence. Sometimes it might be something about the test that would tip them off, but that is a law enforcement process.

**Representative Onstad:** There is an additional expense to administer a test, does that cost continue to rise, and if a person is found guilty of doing that, a violation, maybe the expense can be attached or maybe it is.

**Judge Hagerty:** For people who are on probation, and are required to test as a part of their probation, that is already something that needs to be done to keep the testing honest. People who are on probation are paying a monthly supervision fee. Some of our drug court people, if their behavior has led us to do more frequent testing, we make them pay for that testing, because we think it shouldn't be an expense to the system. For instance, if they have relapsed, and we have to order additional testing, they have to pay for it. We did look at whether there were fiscal notes or impacts noted in other states and found a couple where they said it was minimal.

**Representative Zaiser:** This is a corroboration of the Judge, having had experience with my son, I talked to the testers, because I was aware of these different things that would affect their urine testing, and they were aware of the various things and they wanted to make sure that if my son did urine testing at home, that I had to watch my son. I think they are fairly knowledgeable.

**Representative Kretschmar:** Judge Hagerty, when I read the thing and I come to the word "defraud", I think of stealing money from somebody or property, would adulterated be a better word.

**Judge Hagerty:** I don't have any strong tie to the word "defraud". I think it works. But if there is a better word, that's great.

**Representative Boehning:** What will happen to out-of-state manufacturers, there are toll free numbers on these advertisements, can we call them up and say if you guys get caught selling this in North Dakota, you are going to be in violation of this law; what can we do to them when they are out of state.

**Judge Hagerty:** I think they may even be keeping track of legislation, and that's an information process.

**Representative Galvin:** How do you know for sure, that this sample is not from someone else, and not necessarily adulterated.

**Judge Hagerty:** That would be defrauding the test if you were having someone else's urine. If you were using someone else's sample or freeze-dried product you had purchased off the internet or something like that. There are different ways to see that. The training session that I attended, was attended by a lot of treatment people, a lot of parole and probation, and law enforcement. There was a whole bunch of information about that and how the different ways to detect that. There are more ways to try to defraud the test than you or I could imagine or even want to.

**Representative Koppelman:** I can certainly understand where the bill in its current form and even the amendment came from, looking at it from a judicial perspective, my only concern is in the application of Sections 1 and 2, our job in the legislature is to make public policy. If we as a legislature decide that it should be a criminal offense to try to beat a drug test, it seems to me that we should make it a criminal offense for attempting to beat any drug test period. Or, if we decide that only a criminal offense to do drug tests relating to drug court, parole, probation, etc. then we should have amendment two follow that. If this bill passes as it is, what we're saying is that if you are employed by someone who requires drug tests, and you try to beat it, that is perfectly legal. But the person who sold the product to try to beat it has committed a crime.

**Judge Hagerty:** I'm not sure that is really true because if you were doing a drug test for an employer, and were caught, you would lose your employment. The sanction is there, the penalty is a little different. I don't know how you would for practical purposes, say you can sell this to people who aren't criminals, but you can't sell it to criminals. I don't think you can make the statute work that way.

**Representative Koppelman:** I'm just pointing out that it makes it that we are criminalizing the sale of products in an environment where the practice might be legal. I don't know how we would deal with that.

**Chairman DeKrey:** Thank you Judge Hagerty for appearing before us. Further testimony in support of HB 1051.

**Tim Brehm, Dept of Corrections & Rehabilitation:** I am a program manager with the Dept. Of Corrections, Division of Parole & Probation Field Services. I am representing Mr. Emmer, who couldn't be here today. (see written testimony) We take a neutral stand. We don't care for section 1, we would like to see that that be changed or amended in what is current law, NDCC section 12.1-32-07 be changed to reflect that those people under probation and/or parole, if they fraudulize a urine test, that they be subjected to some sort of penalty. Having looked at this, you will see my testimony that probation or parole, but having heard testimony, I think there needs to be a word added in my testimony as well. So it will cover people in drug court, such as those who are not on supervised probation. In other words, if they are on unsupervised probation they would be covered as well. There are categories that fall under unsupervised areas. With regard to section 2, there is a lot of good testimony there, and although we take no stance on that, the issue with that, is do we start looking at distributors, such as Hylex, and start prosecuting Wal-Mart and K-Mart and those people. It is something to consider. That takes us back to who and what and finding out what is a fraudulent test. That needs to be defined. Those who willfully intending to sell those products to defraud those urine tests out there should be held accountable, as should our people on probation for trying to do that. So that's the stance we take,

primarily a neutral stance. We have ways to test the samples if there are questions with the sample.

**Representative Delmore:** With the random testing, these people must have to carry whatever it is to adulterate this with them all the time. Wouldn't you have to have a certain time lapse between the time you took one of these products, drank some of this stuff, before you actually went in for a random test.

**Tim Brehm:** The problem with that, is that they aren't all random tests. In drug court, yes. However, if a person hasn't been tested for a couple of weeks, and I call them and say I need to see him, I don't tell him I am going to run a drug test, and he is guilty of using meth, he has a good idea that he will have to take one, he starts flushing. They try to work against the system.

**Representative Koppelman:** You say you are neutral but you seem to object to section 1, which means you object to the idea of the act of defrauding a drug test being a criminal offense, why is that. Why does the department have an objection to that.

**Tim Brehm:** I can't say that we are opposed to that, because I was told to say that we take a neutral stance. It's just that we would rather see it as a condition in what is currently law, it would an addition to appendix A, current law, to say that anyone on probation and/or parole, that would be a condition and if they do in fact, fraudulize a test, a urine test specifically, they would have violated a condition of their probation and/or parole, whatever that may be or both.

**Representative Koppelman:** I see that your amendment wants to make that mandatory, but I assume that you can do that in a lot of cases now already, if someone violates a urine test, that you can revoke their probation or parole over that.

**Tim Brehm:** We have no authority at all. The court can impose whatever conditions they wish to impose and we act as a branch or arm of the court to enforce that for the court. However, we have no authority to impose anything like that.

**Chairman DeKrev:** Thank you Tim for appearing. Further testimony in support of HB 1051.

Testimony in opposition of HB 1051. We are going to close the hearing on HB 1051.

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1051

House Judiciary Committee

☐ Conference Committee

Hearing Date 1/12/05

Tape Number	Side A	Side B	Meter #
2		xx	41.8-50.2

Committee Clerk Signature



Minutes: 13 members present, 1 member absent (Rep. Maragos).

**Chairman DeKrey:** What are the committee's wishes in regard to HB 1051.

**Representative Kretschmar:** In the first part of the bill, we fixed up the title to comply with the amendments. We've made the defrauding of a urine test, a general criminal penalty for everybody on lines 7, 8, 9, 10. We also adopted the amendment that was requested by the Dept. of Corrections and put the requirement in that if a defendant defrauds a urine test when he is on parole or probation, the court shall put that explicitly in the order of probation or parole and that goes in 12.1-32-07. I move the Kretschmar amendments on HB 1051.

**Representative Meyer:** Second.

**Chairman DeKrey:** Motion carried. We have HB 1051 as amended before us.

**Representative Koppelman:** I move a Do Pass as amended.

**Representative Kingsbury:** Second.

**13 YES 0 NO 1 ABSENT DO PASS AS AMENDED CARRIER: Rep. Kingsbury**



VR  
1/12/05

HOUSE AMENDMENTS TO HOUSE BILL NO. 1051 JUD 1-13-05

Page 1, line 3, after the semicolon insert "to amend and reenact subsection 3 of section 12.1-32-07 of the North Dakota Century Code, relating to conditions of probation;"

Page 1, underscore line 7

Page 1, line 8, underscore "that person willfully defrauds a urine test" and remove "administered as a condition of parole, probation, or a"

Page 1, line 9, remove "court-supervised program" and underscore "and the test is designed to detect the presence of a chemical"

Page 1, underscore line 10

Page 1, after line 10, insert:

**"SECTION 2. AMENDMENT.** Subsection 3 of section 12.1-32-07 of the North Dakota Century Code is amended and reenacted as follows:

3. The court shall provide as an explicit condition of every probation that the defendant may not possess a firearm, destructive device, or other dangerous weapon while the defendant is on probation and that the defendant may not willfully defraud a urine test administered as a condition of probation.

Unless waived on the record by the court, the court shall also provide as a condition of probation that the defendant undergo various agreed-to community constraints and conditions as intermediate measures of the department of corrections and rehabilitation to avoid revocation, which may include:

- a. Community service;
- b. Day reporting;
- c. Curfew;
- d. Home confinement;
- e. House arrest;
- f. Electronic monitoring;
- g. Residential halfway house; or
- h. Intensive supervision program."

Page 1, underscore lines 13 through 16

Renumber accordingly

Date: 1/12/05  
Roll Call Vote #: 1

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1051

## HOUSE JUDICIARY COMMITTEE

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken

*Do Pass as Amended*

Motion Made By

*Rep. Koppelman*

Seconded By

*Rep. Kingsbury*

Representatives	Yes	No	Representatives	Yes	No
Chairman DeKrey	✓		Representative Delmore	✓	
Representative Maragos	A		Representative Meyer	✓	
Representative Bernstein	✓		Representative Onstad	✓	
Representative Boehning	✓		Representative Zaiser	✓	
Representative Charging	✓				
Representative Galvin	✓				
Representative Kingsbury	✓				
Representative Klemin	✓				
Representative Koppelman	✓				
Representative Kretschmar	✓				

Total (Yes)

*13*

No

*0*

Absent

*1*

Floor Assignment

*Rep. Kingsbury*

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**HB 1051: Judiciary Committee (Rep. DeKrey, Chairman) recommends AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1051 was placed on the Sixth order on the calendar.

Page 1, line 3, after the semicolon insert "to amend and reenact subsection 3 of section 12.1-32-07 of the North Dakota Century Code, relating to conditions of probation;"

Page 1, underscore line 7

Page 1, line 8, underscore "that person willfully defrauds a urine test" and remove "administered as a condition of parole, probation, or a"

Page 1, line 9, remove "court-supervised program" and underscore "and the test is designed to detect the presence of a chemical"

Page 1, underscore line 10

Page 1, after line 10, insert:

**"SECTION 2. AMENDMENT.** Subsection 3 of section 12.1-32-07 of the North Dakota Century Code is amended and reenacted as follows:

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Unless waived on the record by the court, the court shall also provide as a condition of probation that the defendant undergo various agreed-to community constraints and conditions as intermediate measures of the department of corrections and rehabilitation to avoid revocation, which may include:

- a. Community service;
- b. Day reporting;
- c. Curfew;
- d. Home confinement;
- e. House arrest;
- f. Electronic monitoring;
- g. Residential halfway house; or
- h. Intensive supervision program."

Page 1, underscore lines 13 through 16

Renumber accordingly

2005 SENATE JUDICIARY

HB 1051

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1051

Senate Judiciary Committee

☐ Conference Committee

Hearing Date March 9, 2005

Tape Number	Side A	Side B	Meter #
1		X	3760 - End
2	X		0.0 - 180

Committee Clerk Signature

*Mona Lobley*

Minutes: Relating to conditions of probation; penalty.

**Senator John (Jack) T. Traynor**, Chairman called the Judiciary committee to order. All

Senators were present. The hearing opened with the following testimony:

**Testimony In Support of the Bill:**

**Rep. Ron Carlisle**, Dist. #30 Introduced the bill (meter 3760) The genesis of this bill came out of the Drug Court here in Bismarck. Judge Romanick is here to speak. What is happening is that people are cheating on there test. If you cheat it is called an "adulteration" . Sited different ways to cheat. The courts see some work so hard to keep clean and this is not right, thus the bill.

Discussed how when he had a CDL license he was subjected to random drug testing. Concerned of the health side effects of some of the ways to "beat" the test

**Judge Bruce Romanick**, Bismarck (meter 4218) Gave Testimony - Att. #1.

**Sen. Nelson** questioned in Section 3, why the distributors who sell these adulteration products are not concerned with being charged? They keep it behind the counter and call it something else to get around this. I am not in a roll that I can talk to them

**Senator Triplett** referred to the house amendments being OK? They are good, I hope they are enforceable. In the civilian side it will be harder to prove. They are not as trained and will be contacting the police for assistance. Discussed the difficulty of "intent to use" and "willfully defrauding". There are test to prove that a test has been altered, but they are always coming up with new ways to trick the system The only full proof way to test is hair and that is to expensive, blood is also expensive and intrusive. Discussed the different types of tests, freeze dried urine, finger flicking and many other forms.

**Terry Narum**, ND SHRM Partner, Midwest Business Consulting LLC Sited his 30 years of experience 15 yrs in Drug analyses (meter 5700) Gave Testimony - Att. #2 and Frequently asked Questions about adulteration of tests Att. #3 and different web sites and what they sell - Att. #4 The committee discussed why these amendments were not presented in the house? We were not aware of this until after it passed the house.

#### **Testimony in Opposition of the Bill**

**Senator John (Jack) T. Traynor**, Chairman closed the Hearing

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1051

Senate Judiciary Committee

☐ Conference Committee

Hearing Date March 14, 2005

Tape Number

2

Side A

X

Side B

Meter #

4958 - 5890

Committee Clerk Signature

*Maria L. Salberg*

Minutes: Relating to conditions of probation; penalty.

**Senator John (Jack) T. Traynor**, Chairman called the Judiciary committee to order. All

Senators were present. The hearing opened with the following committee work:

The committee discussed the different products used to "beat" the test. discussion of "intent to willfully defraud". The condition of every probation is to be lawful.

**Senator Triplett** made the motion to do pass bill and **Sen. Nelson** seconded the motion. All members were in favor and the motion passes.

Carrier: **Senator Triplett**

**Senator John (Jack) T. Traynor**, Chairman closed the Hearing

Date: 3/14/05  
Roll Call Vote #: 1051

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1051

Senate Judiciary

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken Do Pass

Motion Made By Senator Triplett Seconded By Senator Nelson

Senators	Yes	No	Senators	Yes	No
Sen. Traynor	✓		Sen. Nelson	✓	
Senator Syverson	✓		Senator Triplett	✓	
Senator Hacker	✓				
Sen. Trenbeath	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Sen. Triplett

If the vote is on an amendment, briefly indicate intent:



**REPORT OF STANDING COMMITTEE (410)**  
**March 17, 2005 3:42 p.m.**

**Module No: SR-49-5342**  
**Carrier: Triplett**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**HB 1051, as engrossed: Judiciary Committee (Sen. Traynor, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1051 was placed on the Fourteenth order on the calendar.**

2005 TESTIMONY

HB 1051

1/5/05

## **Testimony on House Bill 1051 Gail Hagerty, District Judge**

Mr. Chairman and Members of the Committee, I am Gail Hagerty. I'm one of the judges for the District Court and I'm a drug court judge. This bill is one which was requested by members of the South Central Judicial District's drug court team, after we attended a training session at which the legislation was recommended.

Drug testing is an important part of the drug court process. Participants are tested regularly – more frequently during the early phases of the program. It is vitally important that we have the testing information to keep participants honest. This legislation would give us a tool to help us keep the program and participants honest.

Unfortunately, there's a whole industry built up around helping people beat testing procedures. Devices and substances are widely advertised. Some work. . .some don't. People purchase freeze-dried urine and other substances. Of course, as new methods to beat the test are developed, new ways of detecting the attempts to trick the testing are also developed.

I did a quick Google search yesterday, and I'll hand you some of the top results. One is from Spectrum Labs "Urine Luck." ClearTest will help you pass a drug test. ACS Herbal Tea Co. says, "We look forward to helping you pass your drug test." And then, there's the Whizzinator.

The bill makes it a class A misdemeanor to willfully defraud a urine test. As drafted, the bill includes tests administered as a condition of parole, probation or a court-supervised program like drug court. At the suggestion of another district judge, I have prepared an amendment which would amend the bill to cover tests administered as a condition of bail or bond.

The bill also makes it a class A misdemeanor to manufacture, advertise, sell or distribute a substance or device that is intended to defraud a urine test.

The North Dakota Judicial Conference is on record in support of this legislation and I urge you to give it a "do pass" recommendation.

Amendment to House Bill No. 1051

On line 8, after the word "condition," add the following words  
of release from custody or as a condition of

**HOUSE JUDICIARY COMMITTEE  
PRAIRIE ROOM  
REPRESENTATIVE DUANE DEKREY, CHAIRMAN  
JANUARY 5, 2005**

---

**TIM BREHM, PROGRAM MANAGER  
DEPARTMENT OF CORRECTIONS AND REHABILITATION  
FIELD SERVICES DIVISION OVERVIEW  
PRESENTING TESTIMONY RE: HB 1051**

Mr. Chairman, Members of the Committee:

The Department of Corrections supports, in principle, the content of House Bill 1051. We agree that offenders on parole or probation should be held accountable, if they willfully defraud a urine test administered pursuant to a condition of their parole or probation. We also agree that those parties that willfully manufacture, advertise or sell and distribute substances or devices intended on defrauding a urine test, should be held accountable for those actions.

The Department of Corrections does not believe that it is necessary to enact additional law as would be required in Section 1 of House Bill 1051. Instead, we recommend the North Dakota Century Code section 12.1-32-07 be amended and that the court and Parole Board be required to provide an explicit condition of every probation or parole, as follows: "that the defendant may not willfully defraud a urine test administered as a condition of probation or parole".

## Adulteration Facts

1. Creatinine – Most common of the substances found in a normal urine that people will attempt to Adulterate. This is done by diluting or flushing the urine from the system.

Most common forms of adulterating: -

- a. Water – Large quantities
- b. Golden Seal
- c. Herbal Teas
- d. Quick Flush Capsules
- e. Detoxifying Carbo Red Clean Liquids
- f. Redi Clean

2. Nitrates – Not a substance that would typically be found in the urine.

Products that are added to urine for adulteration:

- a. Klear – can cause THC sample to test negative at the lab when sent in for GC/MS confirmation
- b. Whizzies – same as above
- c. Randys Klear – Same as above

3. Glutaraldehyde – Another substance that would not be found in a normal urine.

Over the counter products that can adulterate specimen:

- a. Mary Jane Super Clean
- b. Urine Aid
- c. Clear Choice

4. PH – Tests for acid or alkaline in the urine.

Test will indicate a normal or abnormal range:

- a. Amber 13 is the most common product purchased at Head Shops and on the Internet.
- b. THC Free
- c. Ammonia

5. Specific Gravity – The weight/density of a normal urine sample.

Many times creatinine level will also be affected along with specific gravity when using some forms of adulterants:

- a. White Distilled Vinegar
- b. Iodene Tincture Solution
- c. Lucky Lab LL 418
- d. Whizzies

6. Bleach/Phyridinium Chlorochromate

Most common adulterants:

- a. Urine Luck
- b. Lucky Lab LL 418
- c. Sweet Pee's
- d. Sweet Pee's Spoiler
- e. Randy Klear II
- f. Stealth

Products are consistently being produced to aid in the passing of a urine screen. For obvious reasons, the best ways to keep the integrity of the urine sample are to observe the specimen very closely and use an on-site adulteration panel when performing the test.

## Drug Appearance Times in Urine

### Time After Ingestion

Amphetamines	6-12 Hours
Barbiturates	6-12 Hours
Benzodiazepines	6-12 Hours
Cannabinoid Metabolites (Marijuana)	4-6 Hours
Cocaine Metabolites (Benzoylecgonine)	2-4 Hours
Methadone	6-12 Hours
Methaqualone	6-12 Hours
Opiates (Heroin, Morphine, Codeine)	6-12 Hours
Phencyclidine (PCP)	6-12 Hours
Propoxyphene (Darvon)	4-8 Hours

### DRUG DETECTION TIMES

Each drug is treated differently in the body and each person can differ in how their body handles a particular drug. Generally, the more often a person uses a drug, the longer it can be detected in the urine. For that reason, frequent user of a drug (used three or more times each week) will have detectable amounts of a drug in the urine longer than an infrequent user (one time each week or less). Chronic users, those who have used a drug every day for an extended period of time, will have detected amounts of a drug in the urine even longer. The following table is meant to be a guide, and cannot be presumed to be absolute due to individual differences in the metabolism and excretion of drugs and their metabolites.

Drug	Infrequent User	Frequent User	Chronic User
Ethanol	4-10 hours	4-12 hours	4-12 Hours
Marijuana	2-5 days	4-14 days	up to 2 to 3 months
Phencyclidine (PCP)	1-3 days	3-7 days	up to about a month
Diazepam	2-5 days	4-14 days	up to about a month
Chlordiazepoxide	2-5 days	4-14 days	up to about a month
Methaqualone	2-4 days	3-8 days	several Weeks
Amphetamines	1-3 days	2-6 days	several Weeks
Phenobarbital	4-8 days	5-15 days	a month or more
Secobarbital	2-4 days	4-8 days	several Weeks
Cocaine (as the metabolite benzoylecgonine)	12-48 hours	1-4 days	up to several Weeks
Codeine	1-3 days	2-5 days	up to several Weeks
Morphine	12-48 hours	2-6 hours	up to several Weeks
Methadone	1-4 days	2-10 days	up to several weeks
Meperidine	6-24 hours	1-3 days	up to a week
Propoxyphene	1-3 days	2-5 days	up to several weeks

## Adulteration

Presented by:  
Vickie Schmidt  
Schmidt & Associates, Inc..  
Fargo, North Dakota



## What is Adulteration?

- Tampering with a specimen in an attempt to "PASS" a drug test.
  - Ingesting a product in an attempt to dilute the drug metabolites.
  - Placing a foreign substance into the specimen in an attempt to breakdown the drug metabolites.
  - Substituting clean urine



## Does Adulteration work?

- Yes there are several products on the market as well as household products that work. Be aware of what is out there and what works.
- No many of the products on the market are only making money for the sales company. Many offer a money back guarantee.
- Try to get it!



## BE SMARTER THAN THE ADDICT!!

I recommend that you

- Visit you local head shop
- Visit you local health food store
- Subscribe to High Times
- Surf the web



## Creatinine

- Most common of the substances found in normal urine that people will attempt to adulterate.
- Urine Creatinine values generally range from 19-250mg/dL.
- If the Creatinine level is less than 20mg/dL it should be considered dilute.



## Dilution Products

*Flushes toxins from the urinary tract. Must test within 5 hours or metabolites begin to accumulate again.*

- |                             |                               |
|-----------------------------|-------------------------------|
| - Water in large amounts    | - Redi Clean                  |
| - Herbal teas               | - Carbo Cleansing Shakes      |
| - Detoxifying Carbo Liquids | - Formula 1 Detox Drink       |
| - Golden Seal               | - Absolute De-Tox Carbo Drink |
| - Quick flush Capsules      |                               |





## Nitrates

- Not a substance that is normally found in urine.
- Some diseases can cause nitrates to be detected in urine.
- Products that are added to urine for adulteration:
  - Klear
  - Randy' Klear

Whizzies



## Glutaraldehyde

- Not a substance that would typically be found in urine.
- Ketoacidosis, Starvation, or Carbohydrate or lipid metabolism, ketone bodies may appear and give false positive results.



## Glutaraldehyde Base Products

■ *Over the counter products that can be used:*

- Mary Jane Super Clean
- Clear Choice
- Urine Aid



## pH

- Tests for acid or alkaline in the urine.
- This is a normal part of urine. Urine pH values generally range from 4.6 to 8.0. If the pH value is less than 4 or greater than 8, it should be considered adulterated.
  - Amber 13
  - Ammonia
  - THC Free



## Specific Gravity

- The weight or density of normal urine. Many times the Creatinine level will also be affected when using detox products or ingesting large volumes of fluids.
- It is impossible for the body to excrete pure water.
- The lowest specific gravity available is 1.002.



## Specific Gravity Continued

- *The maximum specific gravity urine can attain is equal to 1.040.*
- *Fresh samples of random or timed urines should have a range of 1.002-1.030.*
- *Specific gravity and Creatinine test results together provide better evidence of specimen dilution than either of them alone.*



## Bleach

- Breaks down the drug metabolites.
- May be ingested or put directly into the specimen.
- With non-scented bleach now available this is a very popular adulterant.
- Unscented crystals are your worst enemy.



## Phyridinium Chlorochromate

- Breaks down the drug metabolites. Some then destroy themselves making them undetectable to even the lab.
  - Urine Luck
  - Sweet Pee's
  - Sweet Pee's Spoiler
  - Randy's Klear II
  - Lucky Lab LL418
  - Stealth



## Where do they get these products?

- Local Headshop
- Health Food Store
- Internet
- High Times magazine
- Household products
- News of a product that works spreads as fast if not faster than where to get good drugs. Everyone wants to pass!



## How do you eliminate adulteration?

- Secure the bathroom facility
- Have donor rinse hands vigorously with water
- Verify the temperature of the specimen within four minutes
- Shake the specimen checking for bubbles
- Use an on-site adulteration test



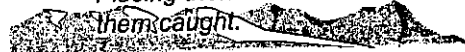
## How do I secure the bathroom?

- Turn off the water supply or secure the faucet with a baggie and evidence tape. This will eliminate the ability to add clean water to the specimen.
- Place toilet bluing in the bowl. This will eliminate the ability to scoop toilet water into the specimen cup. Yellow and blue make green.



## Securing the bathroom-continued

- Remove all chemical and cleaning products or have them locked in a secure cabinet. This eliminates the risk of them adding anything to the specimen.
- Don't allow donor to flush the toilet - you do it. There are products that have parts that need to be destroyed. Placing them in the trash could get them caught.



### Why have the donor wash?

- There are several products that can break down the drug metabolites if they get into urine. Bleach is a good example. There are also over the counter products they can place under their fingernails and then simply place the fingers in the void.



### Why shake the specimen?

- Many of the over the counter products are simply dish soap. Shaking an untampered with specimen will cause some bubbles to appear.
- Mary Jane Super Clean which is simply dish soap will cause BUBBLES to appear.



### Why check the temperature?

- Normal specimen temperature will range from 90 to 100 degrees.
  - Urine brought in under the armpit or in the groin area will be out of range as external temperature is less than internal.
  - If the temp is out of range I suggest you have the donor sit in your view until they can provide another specimen.



### What else can they do to pass?

- Urinator
- Whizzinator
- Urinnovator
- Urine The Clear
- The Wedge
- Condom of urine inserted into the vagina



### How do we detect those products?

- You can't
- Most are a storage unit using clean or dehydrated urine.
- In a supervised void the hose may be detected.
- Whizzinator 5000 is actually a prophylactic penis and looks very real.



### Other Ways

- Washing your system
  - Ingest mass quantity of water
  - Should urinate so often it's ridiculous
  - B-complex vitamin will help keep urine yellow
  - Specimens are rejected on color alone
- Vinegar does not work
- Visine does not work



- Urinaid is one additive that works every time
- Golden Seal shows encouragement but is inconsistent.
- Powdered urine works fine – must prepare ahead of time
- Substituting problems
  - Not enough volume
  - Temperature out of range
- Double check your chain of custody form
  - Signing in wrong place
  - Initial in wrong place then scribble it out
  - Mark in "Do Not Mark" area



## FYI

- The only way to extract THC metabolites from fat cells is to exercise. Fat cells secrete fat with THC metabolites at a constant rate, regardless of what you consume.
- Water only dilutes urine temporarily.
- You can actually overdose and even die from water intoxication. You will vomit before anything gets serious.



- Certo or Certo: Used in the making of jelly. Can also consume fruit pectin.
- Vales Original Formula – Does nothing
- Lasix – prescription diuretic.
- Vinegar – is a myth. Lowers pH level of urine. Will cause diarrhea.
- Dexatrim – Will cause a false positive.
- Fiber – THC is eliminated primarily in the stool via bile acids. High fiber diet will excrete a majority of THC in the stool.
- Lecithin – Breaks down stored fat and disperses it into your blood stream. By putting THC back into your blood stream, you increase metabolites in urine.
- Clenbuterol – Used by athletes. Reduces fat – helps rid lipid tissue of THC
- Bleach – Unscented crystals ground to fine powder. ¼ tsp for 60ml. Liquid bleach 6-10 drops. Affects pH Level.



- Hydrogen peroxide – industrial grade will destroy the THC metabolites. Household strength not good enough.
- Lemon juice – will not change the test results.
- Liquid soap – works but makes specimen cloudy and will change specific gravity and pH.
- Table salt – will test negative but puts the density out of range. Also leaves residue in cup.
- Making your own powdered urine – void in a glass container. Let it evaporate. Scrape the inside for the concentrate. Just mix with water.
- Dog urine – will test abnormal for pH and Creatinine.
- Ammonia – 2 oz will cause negative. Alters pH and smells
- Blood does not change test result.
- Drano – need more than ¼ tsp. Changes color of urine and effects pH. Foams and leaves metal specs.



## How much do these products cost?

- Most detox products range from \$29.95 and up.
- Additives range from \$29.99 to 69.95.
- Dehydrated clean urine runs \$30-80.
- Hosed units range from \$69.95 to \$149.95.
- The price is cheap if you keep your good paying job or stay out of jail!!



## Where do they find out what works?

- [www.passyourdrugtest.com](http://www.passyourdrugtest.com)
- [www.bladdercops.com](http://www.bladdercops.com)
- [www.testinqclean.com](http://www.testinqclean.com)
- [www.erowid.org](http://www.erowid.org)
- [www.whizzinator.com](http://www.whizzinator.com)



### How do I test for adulteration?

- Look, shake, smell
- Use an on-site adulteration test
  - Intect 7 will detect seven parameters meaning you will detect any product currently available
- Request that your lab test for it
  - many do not test for adulteration
  - there may be an extra charge for the test
  - make sure they test for oxidizing products



### Do you have any question?

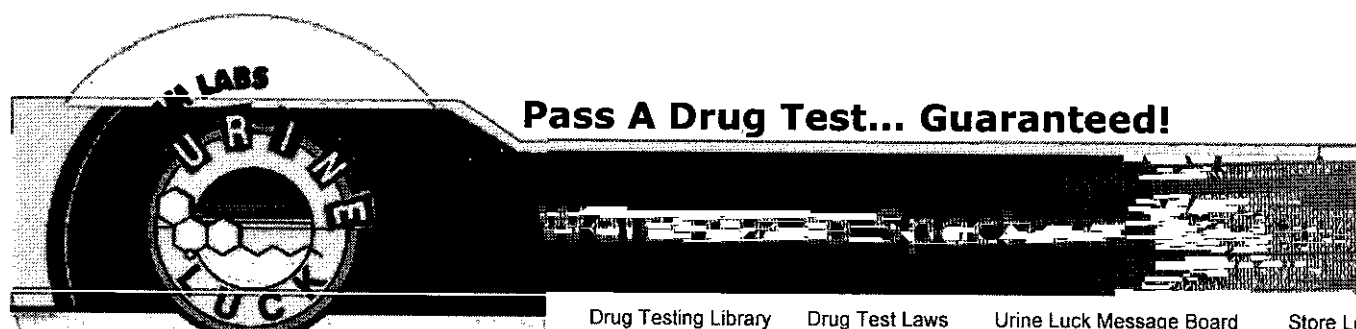
- I hope that I answered your questions.
- I am sure I generated a lot as well.
- Please call our office if you have any questions or concerns. Our staff is very knowledgeable and willing to help you.
- If we don't know the answer we will find it and get back to you.



THANK YOU

HAVE A GREAT DAY!!





## ORDER NOW!



Click here to find out  
which detox product  
is best for your  
drug test!

☐ Register for Spectrum  
Email Updates!

**Spectrum Labs**  
Has sold more detox  
products than all the  
other sites combined!

## Drug Testing Products

Spectrum Labs has been manufacturing the **Wor Best Detox Products** since 1992. In that time we have helped hundreds of thousands of people around the world protect their privacy by enabling them to **pass a test**. Random drug testing and pre-employment screens affect practically every worker in the United States and is so poorly regulated that even drug workers taking over-the-counter medications can **positive falsely** and lose their job. Here at Spectrum Labs our motto is "Live Positive Test Negative" and our drug detoxifying products will help you pass any drug test guaranteed. Whether you face **urine testing, hair testing or saliva testing** our variety of detox products will beat the drug test or you'll get 200% of your purchase price back.

All of our detoxifying products are laboratory tested by independent drug testing labs as well as our own in-house lab for drug screens, including litmus paper, EMIT and Fentanyl screens to GC/MS testing, the detox products of Spectrum Labs will deliver negative drug test or screen results. [www.urineluck.com](http://www.urineluck.com) is a great resource for **drug testing information, drug testing laws, attorney contacts**. You can learn the difference between a drug screen and a drug test, find out how your state regulates (or fails to regulate) drug testing protocols and lab procedures. Our **detox product section** features extensive descriptions and instructions on all 9 products, along with current formula statements and general guidelines for passing drug tests.

[Detox Products](#) | [Order Detox Products](#) | [Drug Testing Laws](#) | [Drug Testing Info](#) | [Urine Luck Message Board](#) | [Site Map](#) | [Privacy Policy](#) | [Refund Policy](#) | [Contact Us](#) | [Home](#)

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**With all the pressures of society to drug everyone, we offer a complete line of products designed to detoxify you from all the bad poisons and toxins in today's world and allow anyone to pass their drug test (he he he).**

# ***ACS Herbal Tea Co.***

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***Thank You For Visiting!***

***We look forward to helping you pass your drug test.***

## **Click Here for our Drug Testing Products Web**

- Do you want to know how to **pass a drug test** and prevent the detection of illegal substances in your system?
- Don't be fooled by imitation "Drug Testing Detox" products that don't work
- Most drug testing websites offer cheap non-working products and fake promises
- Most of the quick or same day products are now detectable by major Testing Labs!
- Go with a company you can trust through good reputation and proven results
- Our products are all natural and FDA approved
- Our products carry a 100% Unconditional Satisfaction Guarantee
- Be prepared the next time somebody wants you to **pass a drug test**.
- We offer all Natural Herbal Cleansing Detox products for Blood, Urine, Saliva, Patch and Drug Testing, that we Manufacture.
- We have been manufacturing and selling Industry approved Health Food products since 1980
- Helping you **pass your drug test** is our ONLY Business
- Detoxifying your system and passing a drug test is not a complicated process, it's actually



simple procedure

- You can "*Truly Cleanse*" your system of all unwanted toxins permanently with the **THC M** is the only "**48 HOUR TOTAL BODY DETOX PROGRAM**" that really works and is fully C
- We also offer Herbal "*same day drug testing*" products for a quick solution to any drug tes problem you may have
- **Passing Drug Tests** is simple and easy with any of our drug testing products, Guarantee
- Get clean and stay clean and Pass any Drug Test with our detoxifying drinks, additives ar supplements.



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Pass Drug Test - Passing Drug Tests - Pass Drug Urine Test - Marijuana THC Test Kits - Pass Hair Drug Testing Kit

## Pass Drug Tests Links **Affiliate Links**

**Tips to Pass Drug Tests Pass Drug Testing Pass Marijuana Drug Testing Passing Drug Tests**  
**How to Pass a Marijuana Drug Test Pass THC Drug Test**

Pass Drug Test - Passing Drug Tests - Pass Drug Urine Test - Marijuana THC Test Kits - Pass Hair Drug Testing Kit - Saliva Drug Test Pass - Pass Hair Drug Test - Pass Random Drug Testing - Home Remedies to Pass

The debate over drug testing is still going on strong and not withstanding the push for the legalization of marijuana government officials and legislatures are calling for more stringent and more frequent drug testing. The argument testing violates rights and constitutional amendments have fallen on deaf ears or at the very least, ears that consider public good to be the highest priority. You won't find many people that argue that drug use is a positive thing but many that argue that the current state of affairs regarding drug laws, drug testing and lengthy prison stays is abysmal. The most common arguments against drug testing are quite simple. Drug testing violates a person's right not to incriminate themselves and drug tests are a violation of probable cause statutes. Pro drug testing legislators argue that the public good supersedes those rights. Regardless of the drug laws involved in drug testing, companies are testing employees for illicit drug use. This simple fact remains unchanged while the drug testing debates rage.

Beat - Oral - Saliva - Beating - Marijuana - Cocaine - Pot - Alcohol - Tips - GHB - LSD - Weed - Heroin - Ecstasy - Opiates - PCP - Valium - Xanax - Passing - Crystal Meth - Ecstasy - X - Nicotine - Random - Pre Screen - Swab - Athlete - School - Sports - Meth - Fake - Cheat - Fool - Cassette - Pant - Fake Urine - Urine - Employment - Home - Remedies - Employment - Cannabis - Detox - Shampoo - Hair Follicle

**605371**

Pass Drug Test - Passing Drug Tests - Pass Drug Urine Test - Marijuana THC Test Kits - Pass Hair Drug Testing - Drug Testing Kit

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products for passing a  
 urine or hair follicle drug test  
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 SECURELY ONLINE

**never worry about a drug test again**

## Products

Additives, substitution, or detoxification solutions. Our products will help you pass a drug test

## ClearTest FAQ

Frequently Asked Questions about how to pass a drug test, including which product is right for your hair or urine drug test

## Drug Testing News

Information about drug testing, washroom politics, and how to pass a drug test

## Pot Smoker of the Month

Every month we'll feature a famous Pot Smoker. This month we highlight the career of

(August)  
Ray Charles

(March)  
Mikki Norris

(November)  
Montel Williams

(October)  
Cheryl Miller

(July)  
David Ford

(June)  
Pancho Villa

(February)  
Ed Rosenthal

(January)  
Mark Stepnoski

(December)

## ClearTest will help you pass a drug test

ClearTest has drug testing solutions and information to help you pass a drug test! Protect yourself from urine and hair drug tests. We carry urine additives, substitutions (concentrated urine), and detox formulas to pass urine tests. Make sure your drug tests come up negative for marijuana's THC and other illicit or prescription drugs. ClearTest carries Clear Choice additive and Urine Luck additive for the urine drug test. Concentrated Synthetic Urine Substitute and The Urinator also help you to pass the urine drug test by using our drug-free urine instead of your own. Take a look at our solutions from the detoxify brand line of Carbohydrate drinks and flushing detox teas. We also carry shampoo for hair follicle drug tests, home drug test kits, and drug testing books. With these products, you will pass a drug test. Don't lose your job to inaccurate urine drug tests.

## How do you test drug-free? With one of our anti drug-testing products

Pass any immunoassay drug screen from the EMIT test to the GC/MS. Our anti drug testing products will destroy all toxins checked for in drug testing. Marijuana's THC, nicotine, and even prescription drugs that cause false positives for illegal drugs. Goldenseal is ineffective for passing a drug test!

## Never worry about a drug test again

Drug Testing and washroom politics are violations of your rights. Read our Frequently Asked Questions to help you beat the Drug Testing "Bladder Cops". We carry home drug test kits so you can test yourself before pre-employment drug tests or other urine drug tests- Know if you'll pass a drug test before you go. We will help you beat the Drug Tests. We believe it is a violation of your constitutional rights to be subjected to Drug Testing. Read our drug testing information for the real facts.

## Use our products to detoxify your body before a drug test

Being drug tested? Pass a drug test whether it's a Hair Test or

Rodney Dangerfield

(November)  
Irvin Rosenfeld

(October)  
Bing Crosby

(September)  
Valerie Corral

(August)  
Merle Haggard

(July)  
Margaret Mead

(June)  
Larry Hagman

(May)  
Michael R. Bloomberg

(January)  
Bob Marley

(December)  
George Harrison

(November)  
Ken Kesey

(October)  
Elvy Musikka

(September)  
Kenny Kramer

(August)  
Gary Johnson

(May)  
Kareem Abdul-Jabbar

(April)  
Anita Hoffman

(March)  
Wavy Gravy

(January)  
Dr. Andrew Weil

(October)  
Brownie Mary

(September)  
Willie Nelson

(August)  
Louis Armstrong

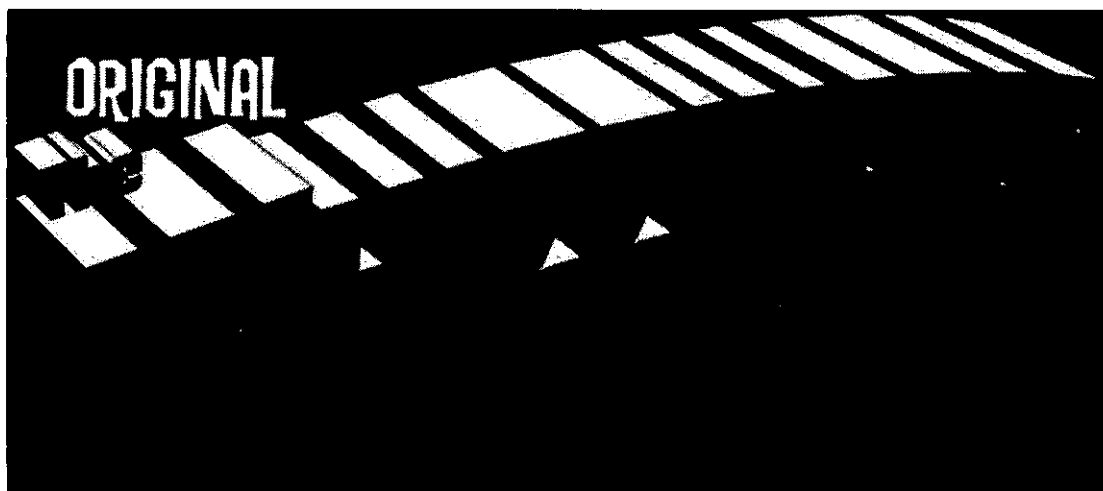
(June)  
Peter McWilliams

Urine Test. ClearTest has drug testing solutions and information to help you pass a drug test! We have products that will clear your urine of the metabolites drug testing labs look for. Our drug testing products will destroy all toxins in your urine including marijuana's THC, prescription, and illicit drugs.

**Sign Up for Clear Test Newsletter!**

Your E-mail:

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**FOOLPROOF!  
USABLE!**

**RE-**


The **WHIZZINATOR**® is an easy to conceal, easy to use urinating device with a very realistic prosthetic penis. It has been extensively tested and proven to work under real-life conditions!

The **WHIZZINATOR**® is designed to be comfortably worn as an undergarment for extended periods of time!

Used with our organic heat pads, it is **GUARANTEED** to maintain body temperature for **EIGHT HOURS!** And our quality production and materials assures you that the **WHIZZINATOR**® will let it flow, again and again, anytime, anywhere you need it!

## **ENTER WITH CAUTION!**

The following information & pictures may be offensive to some people

  
*The Whizzinator is to be used in accordance with all Federal, State and Local laws. The Whizzinator is not a medical device.*

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FastCounter by bCentral

**Testimony on House Bill 1051**  
**Bruce Romanick, District Judge**

Mr. Chairman and members of the Committee, I am Bruce Romanick. I'm one of the judge for the District Court and I participate in the Juvenile Drug Court in the South Central Judicial District. Judge Hagerty requested I testify regarding this bill as she is attending the funeral of Professor Randy Lee. The bill was requested through the SCJD adult drug court after attending a training session where it was recommended they seek such legislation to assist them in their court.

Drug testing is an integral part of any drug court. The participants are tested regularly with the frequency going down as they progress through the process. It is vitally important that the courts have the tools to keep the participants honest in all stages of this program. This type of legislation would assist us in keeping the program and participants honest.

There is a large industry with it's only purpose being to assist persons in beating drug testing procedures. This industry is widely advertised on the internet and you can pick these items up in a number of locations in our capital city. Such names as "Urine Luck", "ClearTest", and the "Whizzinator" are only a few of the common names available for purchase in efforts to beat drug testing.

As presently amended the bill makes it a class A misdemeanor to willfully defraud a urine test and also the same penalty to manufacture, advertise, sell or distribute substances or devices intended to defraud a urine test.

Att #2

To: ND Legislators

From: Terry Narum, ND SHRM Legislative Representative  
Partner, Midwest Business Consulting LLC

Date: March 7, 2005

Re: Amending of House Bill 1051 Senate Judiciary Committee Hearing March 9, 2005 10:00 AM

I am asking for your support in amending HB 1051. For a general review, the bill passed the House Judiciary Committee as well as the House of Representatives a few weeks ago. The bill in its current form deals only with urine testing and only related to conditions of parole, probation or a court-supervised program. The law also provides for penalties for persons that manufacture, advertise, sell, or distribute any substance or device that is intended to defraud a test to detect drug use for those situations.

In its current form, the bill does not address:

1. General employment drug testing for both employers that are required by law (DOT) to do testing or employers that have policies in place to provide for a drug-free workplace.
2. Urine tests are becoming less important as saliva, blood, hair, DNA and other tests are becoming more sophisticated, accurate and cost effective. Any legislation should address all of these lawful and proven tests.
3. The present bill does not include students which have in the last few years become a prime target of the internet sales of these adulterant substances and devices.
4. If the manufacturing and sales of these devices are only illegal for those using their products for parole and probation, how will the sales, manufacture, advertising, and distribution be enforced. The bill should make it illegal across the board for any product that cannot be shown to have a useful purpose other than to adulterate lawful tests.
5. No provisions for lawful drug testing for pre-employment, post near-miss, post accident, random or for cause for businesses that have Workforce Safety and Insurance policies requiring such testing.

I have reviewed a number of bills from other states and feel our suggested amendment is the right language at the right time if we can get these changes made in the Senate Judiciary Hearing.

In general, the effect of the amendment would be to replace the word **urine** with **drug or alcohol** and adding **students** and **employment** to those that would be covered. I feel including employers, and schools doing testing would be important to the law and close a potential loop-hole for distributors as they could legally (as the bill is written) sell the adulterants to employees, students, etc. as long as they were not in the judicial system.

I plan on testifying for these amendments. My work phone number is 701-857-6019 and my home phone for evenings or weekends is 701-838-7387 in Minot. My e-mail is [narums@hotmail.com](mailto:narums@hotmail.com)

Thank you for your time and consideration in this piece of legislation. Terry Narum ;-)



HOUSE BILL NO. 1051

**BILL** for an Act to create and enact a new section to chapter 12.1-11 and a new section to Chapter 19-04 of the North Dakota Century Code, relating to fraudulent practices in **DRUG OR ALCOHOL** testing; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 12.1-11 of the North Dakota Century Code is created and enacted as follows:

Fraudulent practices in **DRUG AND ALCOHOL** testing. A person is guilty of a class A misdemeanor if that person willfully defrauds a **LAWFUL DRUG OR ALCOHOL** test administered **TO STUDENTS OR** as a condition of **OR FOR CONTINUATION OF EMPLOYMENT**, parole, probation, or a Court-supervised program, and the test is designed to detect the presence of a chemical substance, a controlled substance or alcohol.

SECTION 2. A new section to chapter 19-04 of the North Dakota Century Code is created and enacted as follows:

Distribution of substance or device to defraud **DRUG OR ALCOHOL** test prohibited – Penalty. A

person is guilty of a class A misdemeanor if that person willfully manufactures, advertises, sells, or distributes any substances or device that is intended to defraud a **DRUG OR ALCOHOL** test designed to detect the presence of **ALCOHOL**, a chemical substance or a controlled substance.

## Frequently Asked Question About Intect™7

### What is urine adulteration in drugs of abuse testing?

Urine adulteration refers to the situation where urine donors add extraneous substances into the urine specimens with the hope that these substances will alter the drugs of abuse test results rendering a positive reading into a negative one.

### How widespread is urine adulteration?

Urine adulteration is most prevalent in the U.S. where experts estimate 4% of the urine samples currently submitted for testing are adulterated. With the easy access of information from the Internet, the number of adulterated specimens is increasing. Even in Europe and Australia, urine adulteration is also becoming a big problem.

### What is the nature of these adulterants?

There are basically two classes of adulterants. One class includes commonly available household substances like:

- Water
- Bleach
- Detergent
- Eye drops etc.
- Baking soda
- Iodine tincture
- Vinegar

The other class includes commercially available adulterants with the following ingredients:

- a. Nitrite: "Klear" and "Whizzies"
- b. Acid: "THC-FREE" and "Amber 13"
- c. Detergent: "Mary Jane Superclean 13", "Purafyzit" and "Test Clean"
- d. Glutaraldehyde: "Instant Clean ADD-It-ive"
- e. Oxidizing reagents: "Stealth", "Clear Choice" and "Urine Luck"
- f. Mixed reagents: "Lucky Lab LL418"

### Does urine adulteration really work?

Most adulterants do not work very well. However, some adulterants do affect the results of drug testing. For example:

- Bleach interferes with on-site drug tests leading to false negative results
- Nitrite interacts with the GC/MS confirmation procedure for THC causing a positive THC result by on-site test to fail confirmation
- Several commercial adulterants also interfere with on-site drug tests leading to false negative results

### How to combat this problem?

The urine adulteration problem can be eliminated by the use of Intect™7 Adulteration Strips. The integrity of the urine specimen can be assessed for its intactness with the Intect™7 prior to on-site or off-site drug test.

### What is Intect™7?

The Intect™7 urine adulteration test strip is a plastic strip affixed with 7 chemically treated pads for assessing the integrity of the urine sample prior to Drugs-of-Abuse testing. After dipping the strip into the urine sample, visual color examination of the pads can determine:

- Creatinine (testing for sample dilution)
- Nitrite (testing the presence of exogenous nitrite)
- Glutaraldehyde (testing the presence of exogenous aldehyde)
- pH (testing the presence of acidic or alkaline adulterant)
- Specific Gravity (testing for sample dilution)
- Bleach (testing for exogenous bleach and oxidizing reagents)
- Pyridinium Chlorochromate (testing for exogenous pyridinium chlorochromate and oxidizing reagents)

The Intect™7 test strips are ready-to-use and disposable. No equipment is required for its use.

#### **How to use Intect™7?**

Using Intect™7 is very simple. The strip only requires a one minute test time and the test pads are numbered for easy color comparison.

1. Aliquot a small portion of the urine specimen into a container.
2. Dip the test strip in the urine and remove immediately.
3. Blot the strip to remove excess urine.
4. Read and compare the numbered test pads with corresponding numbered panels in the color chart in one minute.

#### **How to interpret Intect™7 results?**

By comparing the pad color to the chart on the vial, the status (normal or abnormal) of each of the seven parameters can be assessed. This can lead to the determination of the following:

- Whether the specimen is possibly diluted with water or other liquids as indicated by the creatinine and specific gravity tests.
- Whether the specimen possibly contains commercially available adulterants such as nitrite, glutaraldehyde, bleach, pyridinium chlorochromate or other oxidizing agents like "Stealth".
- Whether the specimen is possibly contaminated by acidic or basic adulterants as indicated by the pH test.

#### **How do I ensure that I perform the Intect™7 test properly?**

To ensure the performance of the Intect™7 strips, adulterant standards called "Intect7Check™" are available from the manufacturer. This is a set of 5 standards which when added to the Intect™7 strips would react with the different pads to produce the appropriate normal or abnormal colors.

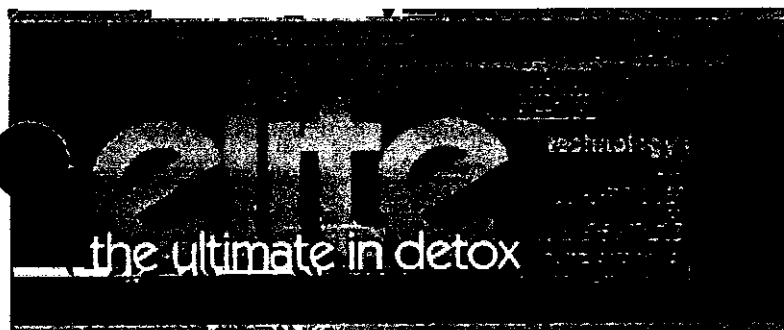
#### **Why should I have confidence in Intect™7?**

The Intect™7 utilizes the proven dry chemistry urinalysis technology that has been used for over 30 years. It is manufactured by a leading U.S. diagnostic company -- Branan Medical Corporation. All its products are manufactured under Quality System Regulation and a 510K for Intect™7 has been prepared and is being filed with the FDA.

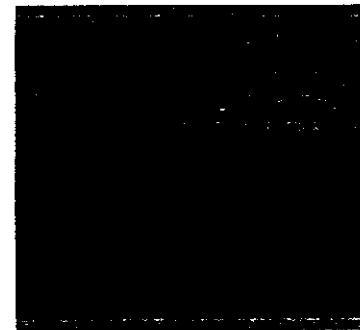
#### **Where can I purchase Intect™7 and how is it packaged?**

Intect™7 can be purchased from your local distributor. It is Branan Medical Corporation's policy to sell its products through distributors and not directly to end-users.

The Intect™7 is available in packages of 25 strips bottled in a white vial. Each vial also comes with a color chart label, a product insert and an outside box.



Att. #4



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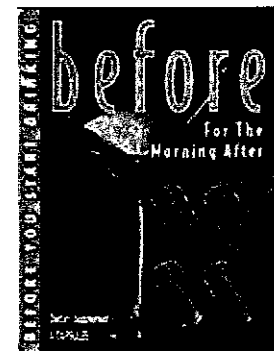
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Elite Detox's **impact** line of top-selling drug testing & detox products, home drug test kits, and anti-hangover remedies from other industry leaders such as Spectrum Labs®, Rapid Response®, and INGology® help round out *all* the needs of our valued customers!

Every Detoxify drug testing product comes with an incredible **200% DOUBLE** your **money back guarantee**. If you do not pass a drug test — any drug test — Detoxify® & Spectrum Labs® will refund your money not once, but twice! Detoxify® Brand and Spectrum Labs® reign as the leader in drug testing solutions is unmatched since their conception in 1993.

Thanks to Detoxify®, we've got the most cutting-edge, legal detox supplements, and Spectrum Labs® ground-breaking, radical external synthetic human urine & urine additive products give you every detox option available:

- Exceptional Quality
- Huge Variety—Liquid, Oral & External Detox
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- Latest Formulas
- Healthy Expiration Dates



Urine Luck Additive - Pass Drug Test

**BestSeller**

**\$30.00**

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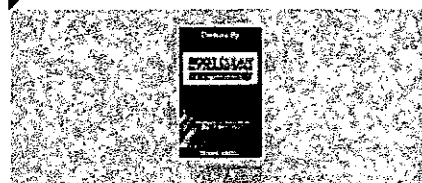


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www.youreclean.com Cached page

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The Clean Machine™ product line is the clear choice for a cleaner healthier you. When it counts, you need a product that is proven reliable and a brand name you can trust! - Clean Machine™ - All others fail in comparison.

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## New 30 Minute Quick Shot™ New

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Quitting smoking? Nicotine teasing for insurance? Before Smoke Away there was Nicotine Eraser™ by Clean Machine™ The Nicotine Eraser™ erases the nicotine and eliminates the cravings in 3 days Guaranteed!. Comes with two lab accurate nicotine home drug test kits.

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## Saliva Detoxification

The saliva drug test is essentially a blood test as they are actually testing the blood molecules in the saliva. For this reason mouth washes and other quick fixes will not work. The only functional product for the saliva is The Ora Clean™ saline detoxification.

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The Steroid Body Detox is a four day intense toxin removal that is safe and effective. This program is all natural and consists of Nature's finest detoxifying vitamins, herbs and minerals.

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### Shipping Notes...

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**Orders may be placed 24hrs. a day 7 days a week!**

- NO SUNDAY SHIPMENTS AND DELIVERIES!
- Order by 5:00 PM CST for same day shipping !



### Overnight Express and Next Afternoon Option:

Orders placed prior to 5:00 PM (Monday -Thursday) will be delivered the following business day. Overnight orders placed on Friday will not be delivered until Monday.

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Orders placed prior to 5:00 PM (Mon - Fri) will be delivered the second business day by 5:00PM. 2nd Day orders placed on Thursday will not be delivered until Monday. Orders placed on Friday by 5:00 PM will be delivered on Tuesday by 5:00PM.

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### Warning Regarding Urine Tests and Masking Agents!!

People interested in passing a drug test should know that new government drug testing guidelines now include that all laboratories perform a specimen integrity check before testing for drugs. What this means is that they are no longer only looking for marijuana and other illicit drugs but also for additives, dilution, and most of the available adulterants/masking products, i.e. Mary Jane Super Clean 13 (liquid soap), Urinald (glutaraldehyde), THC Free (acid), Klear (nitrite), Urine Luck (pyridinium chlorochromate), TestKlear, Golden Seal, Terminator Gold, Stealth, Clean-X, and Instant Clean. These products are all detectable, and will result in a failed drug screen. They will also be reported as a failure! The point is clear. Don't be fooled by the plethora of ineffective detox adulterants, masking chemicals and flushes. These products simply hoax you out of your money and do not produce the results to which they lay claim. As for their fancy guarantees? Well, to receive your money back you must submit your test results. These results in most cases are not yours nor will you ever see them, meaning no refund will be awarded to you! The truth is, if you're searching for ways to pass a drug test then a clean urine substitution kit is just what you've been looking for.



### This Week's Top 5 Drug Testing News Events...

- US AL: LTE: Considering Random Drug Tests Dothan Eagle, The (AL), Fri, 04 Feb 2005
- US CT: U.S. Curler Suspended For Refusing To Take Drug Test Day, The (CT), Sat, 29 Jan 2005
- US IA: Passing Grades: NIACC



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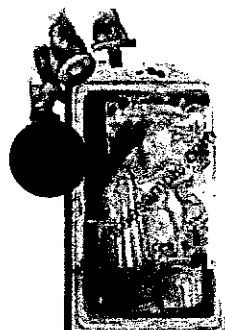
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This product is the perfect solution for anyone seeking an ultra realistic look as well as experience. Our improved whizzinator design consists of a 5 inch fake penis with detail, look and feel that are so realistic you won't believe your eyes. The prosthetic penis is also anatomically correct in scale so as not to appear erect, which could cause it to be too bulky for use. But the realism doesn't end there! When designing thi...

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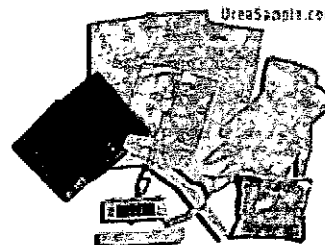
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Kit includes everything needed to pass two drug screenings. Just assemble the transport system with the provided step-by-step instructions and you'll be passing a urine drug test the easy and reliable way! Our ...

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### Basic Kit

Do you have your own transport kit or perhaps you've already bought ours, in either case you probably need clean urine refills? Our basic kit includes everything needed to pa...



### Basic Kit - Lyophilized

This kit is comprised of a sample of lyophilized (freeze-dried) real urine powder in a small vial, which you may easily conceal and keep with you at all times. We have develo...



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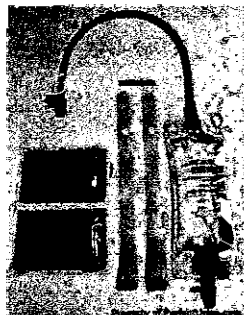


## Pre-Tested Urine Samples and Transporting Alternatives

Welcome to PerfectUrine.com, where we offer the latest in drug testing solutions with our easy and affordable urine substitution kits. These are sterile, DRUG-FREE, human urine samples. Protect your privacy and civil rights! Our Perfect Urine Replacement Kits are the only way to guarantee a clean urine test without discrepancies. Don't depend on the technology of yester-year (detox adulterants, masking chemical flushes, or purifying pills) when the tests of today are checking for it. Secure your success and future with our guaranteed method.



The Perfect Urine Complete Kit



## Guaranteed Drug-Free Pre-Tested Urine Kits or your money back!

Our Urine is accompanied by a **money back guarantee**, having already passed laboratory inspections for traces of illicit drugs, steroids, tobacco, alcohol and pre-screening for potential medical conditions. We offer both men and women's urine to protect your lifestyle and your privacy.

Our urine can be stored frozen for over one year making it easy to purchase one for future use or many for continuous use. The Perfect Urine Substitution Kits have been developed to thaw quickly and used easily with one hand operation. The kits come complete with miniature heating pads to maintain the urine at body temperature for hours while you wait. Please visit our FAQ to view answers to all the questions you may have regarding the logistics of our system, and the