

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE

House Bill 942
Judiciary

(Delegate McComas, *et al.*)

Judicial Proceedings

Criminal Law - Altering the Outcome of a Drug or Alcohol Screening Test -
Substituting Other Substance

This bill expands a current law prohibition relating to drug or alcohol screening tests by specifying that the prohibition applies to the substitution of: (1) a bodily fluid sample, *in whole or in part*, with a bodily fluid sample of another person or animal; or (2) any other substance for the bodily fluid sample to be tested.

Fiscal Summary

State Effect: Expanding application of an existing prohibition is not expected to significantly affect State finances or operations.

Local Effect: Expanding application of an existing prohibition is not expected to significantly affect local finances or operations.

Small Business Effect: None.

Analysis

Current Law: A person with intent to defraud or alter the outcome of a drug or alcohol screening test is prohibited from altering a “bodily fluid” sample, substituting a bodily fluid sample with that of another person or animal, or possessing or using a “bodily fluid adulterant.” The law also prohibits a person, with a similar intent, from selling, distributing, offering to sell or distribute, or transporting into the State, bodily fluids or bodily fluid adulterants. A first offense violator is guilty of a misdemeanor and subject to maximum penalties of imprisonment for one year and/or a fine of \$1,000. For each

subsequent offense, a violator is guilty of a misdemeanor and subject to maximum penalties of imprisonment for three years and/or a fine of \$5,000.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of Public Safety and Correctional Services, Department of Legislative Services

Fiscal Note History: First Reader - March 3, 2005
n/jr

Analysis by: Guy G. Cherry

Direct Inquiries to:
(410) 946-5510
(301) 970-5510