
By: Delegate Guns

Introduced and read first time: February 12, 1996

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **State Substance Abuse Policy - Employees - Use of Alcohol**

3 FOR the purpose of providing that a certain employee who consumes an alcoholic
4 beverage in the workplace or has a certain alcohol concentration while on duty shall
5 be in violation of the State Substance Abuse Policy and subject to disciplinary
6 action; providing that a certain employee who consumes an alcoholic beverage in
7 the workplace or has a certain alcohol concentration while on duty may not drive a
8 State vehicle or operate State construction equipment; and generally relating to the
9 State Substance Abuse Policy.

10 BY repealing and reenacting, with amendments,
11 Article - State Personnel and Pensions
12 Section 3-801
13 Annotated Code of Maryland
14 (1994 Volume and 1995 Supplement)

15 BY repealing and reenacting, without amendments,
16 Article - Transportation
17 Section 11-103.2
18 Annotated Code of Maryland
19 (1992 Replacement Volume and 1995 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
21 MARYLAND, That the Laws of Maryland read as follows:

22 **Article - State Personnel and Pensions**

23 3-801.

24 (a) (1) In this section the following words have the meanings indicated.

25 (2) "ALCOHOL CONCENTRATION" HAS THE MEANING STATED IN §
26 11-103.2 OF THE TRANSPORTATION ARTICLE.

27 [(2)] (3) "Employee" means an individual who is subject to the State
28 Substance Abuse Policy.

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1 [(3)] (4) "Probation before judgment" means an entry of probation by a
2 court in accordance with Article 27, § 641 of the Code.

3 [(4)] (5) "State Substance Abuse Policy" means the policy against substance
4 abuse in State government, as set out in Executive Order Number .01.01.1991.16 and any
5 subsequent Executive Order.

6 (6) "WORKPLACE" MEANS ANY PLACE WHERE AN EMPLOYEE IS
7 PERFORMING WORK FOR THE STATE OF MARYLAND.

8 (b) This subtitle may not be construed to eliminate or alter in any way any
9 requirement of an employee to report to an appointing authority an offense, conviction,
10 or probation before judgment under the State Substance Abuse Policy.

11 (c) An appointing authority:

12 (1) may not consider probation before judgment for an offense to be a
13 conviction for purposes of the State Substance Abuse Policy; and

14 (2) may impose appropriate disciplinary action, up to and including
15 termination, against an employee if the appointing authority can demonstrate a
16 relationship between the offense for which the employee was granted probation before
17 judgment and the employee's job responsibilities.

18 (D) AN EMPLOYEE WHO CONSUMES AN ALCOHOLIC BEVERAGE IN THE
19 WORKPLACE OR HAS AN ALCOHOL CONCENTRATION OF .02 WHILE ON DUTY:

20 (1) SHALL BE IN VIOLATION OF THE STATE SUBSTANCE ABUSE POLICY
21 AND SUBJECT TO DISCIPLINARY ACTION; AND

22 (2) MAY NOT DRIVE A STATE VEHICLE OR OPERATE STATE
23 CONSTRUCTION EQUIPMENT.

24 **Article - Transportation**

25 11-103.2.

26 "Alcohol concentration" means:

27 (1) The number of grams of alcohol per 100 milliliters of blood; or

28 (2) The number of grams of alcohol per 210 liters of breath.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 1996.