

---

By: **Delegates McComas, Aumann, Barkley, Boteler, Boutin, V. Clagett, Cluster, Costa, Eckardt, Edwards, Elliott, Frank, Haddaway, Hennessy, Kach, Kaiser, Mayer, McDonough, McKee, McMillan, Menes, Miller, Myers, O'Donnell, Quinter, Shank, Sophocleus, Sossi, Stocksdale, Stull, and Trueschler**

Introduced and read first time: February 10, 2005

Assigned to: Judiciary

---

A BILL ENTITLED

1 AN ACT concerning

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

4 FOR the purpose of including, in the crime of altering the outcome of a certain drug or  
5 alcohol screening test, the prohibition against the substitution, in whole or in  
6 part, of any other substance for the bodily fluid sample to be tested; and  
7 generally relating to the crime of altering the outcome of a drug or alcohol  
8 screening test.

9 BY repealing and reenacting, without amendments,  
10 Article - Criminal Law  
11 Section 10-111(a)  
12 Annotated Code of Maryland  
13 (2002 Volume and 2004 Supplement)

14 BY repealing and reenacting, with amendments,  
15 Article - Criminal Law  
16 Section 10-111(b)  
17 Annotated Code of Maryland  
18 (2002 Volume and 2004 Supplement)

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

21 **Article - Criminal Law**

22 10-111.

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

24 (2) "Bodily fluid" means blood, urine, saliva, or other bodily fluid.

1 (3) "Bodily fluid adulterant" means any substance or chemical that is  
2 intended, for the purpose of altering the results of a drug or alcohol screening test, to  
3 be:

- 4 (i) consumed by a person;
- 5 (ii) introduced into the body of a person; or
- 6 (iii) added to a sample of bodily fluid.

7 (4) "Controlled dangerous substance" has the meaning stated in § 5-101  
8 of this article.

9 (5) "Drug" has the meaning stated in § 5-101 of this article.

10 (6) "Drug or alcohol screening test" means an analysis of a sample of  
11 bodily fluid collected from a person for the purpose of detecting the presence of  
12 alcohol, drugs, or a controlled dangerous substance in the bodily fluid of the person.

13 (b) A person may not, with intent to defraud or alter the outcome of a drug or  
14 alcohol screening test:

- 15 (1) alter a bodily fluid sample;
- 16 (2) substitute a bodily fluid sample, IN WHOLE OR IN PART, with:
  - 17 (I) a bodily fluid sample of another person or animal; OR
  - 18 (II) ANY OTHER SUBSTANCE;
- 19 (3) possess or use a bodily fluid adulterant;
- 20 (4) sell, distribute, or offer to sell or distribute:
  - 21 (i) any bodily fluid from a human or any animal; or
  - 22 (ii) any bodily fluid adulterant; or
- 23 (5) transport into the State:
  - 24 (i) any bodily fluid from a human or any animal; or
  - 25 (ii) any bodily fluid adulterant.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
27 October 1, 2005.