

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE
Revised

House Bill 1171

(Delegate Eckardt, *et al.*)

Judiciary

Judicial Proceedings

Crimes - Altering Results of Drug or Alcohol Screening Test - Synthetic Urine

This bill provides that the definition of “bodily fluid adulterant” includes synthetic urine under criminal law prohibitions against altering the results of a drug or alcohol screening test. The bill also expands the definition to include a substance that is intended to be substituted for a sample of bodily fluid.

Fiscal Summary

State Effect: None. The bill’s provisions are clarifying in nature. Any additional convictions resulting from this clarification would not be expected to measurably affect State operations or finances

Local Effect: None.

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 prohibition specifies that it 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.

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): Department of Public Safety and Correctional Services,
Department of Legislative Services

Fiscal Note History: First Reader - March 11, 2008
mll/jr Revised - House Third Reader - March 25, 2008

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