

# HOUSE BILL 1097

R3  
HB 1478/18 – JUD

9lr1732

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By: **Delegates Rose, Buckel, Corderman, Ghrist, Hornberger, Jackson, Krebs, Long, McComas, Miller, Reilly, and Shoemaker**  
Introduced and read first time: February 8, 2019  
Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Drug or Controlled Dangerous Substance Testing – Requirements**

3 FOR the purpose of repealing the requirement that a police officer must be in training for,  
4 have completed training for, or be participating in a certain program of training to  
5 request, require, or direct certain individuals to undergo certain drug or controlled  
6 dangerous substance testing; and generally relating to drug or controlled dangerous  
7 substance testing.

8 BY repealing and reenacting, with amendments,  
9 Article – Transportation  
10 Section 16–205.1(j)  
11 Annotated Code of Maryland  
12 (2012 Replacement Volume and 2018 Supplement)

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

15 **Article – Transportation**

16 16–205.1.

17 (j) Notwithstanding any other provision of this section, a test for drug or  
18 controlled dangerous substance content under this section[;

19 (1) ~~May~~ **MAY** not be requested as described under subsection (b) of this  
20 section, required as described under subsection (c) of this section, or directed as described  
21 under subsection (d) of this section, by a police officer unless the law enforcement agency  
22 of which the officer is a member has the capacity to have such tests conducted[;

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter deleted from existing law.



1           (2)    May only be requested as described under subsection (b) of this section,  
2 required as described under subsection (c) of this section, or directed as described under  
3 subsection (d) of this section, by a police officer who is a trainee, has been trained, or is  
4 participating directly or indirectly in a program of training that is:

5                   (i)    Designed to train and certify police officers as drug recognition  
6 experts; and

7                   (ii)   Conducted by a law enforcement agency of the State, or any  
8 county, municipal, or other law enforcement agency in the State described in item (3)(i)  
9 through 12 of this subsection:

10                   1.     In conjunction with the National Highway Traffic Safety  
11 Administration; or

12                   2.     As a program of training of police officers as drug  
13 recognition experts that contains requirements for successful completion of the training  
14 program that are the substantial equivalent of the requirements of the Drug Recognition  
15 Training Program developed by the National Highway Traffic Safety Administration; and

16           (3)    May only be requested as described under subsection (b) of this section,  
17 required as described under subsection (c) of this section, or directed as described under  
18 subsection (d) of this section:

19                   (i)    In the case of a police officer who is a trainee, or who is  
20 participating directly or indirectly in a program of training described in item (2) of this  
21 subsection, if the police officer is a member of, and is designated as a trainee or a participant  
22 by the head of:

23                   1.     The Department of State Police;

24                   2.     The Baltimore City Police Department;

25                   3.     A police department, bureau, or force of a county;

26                   4.     A police department, bureau, or force of an incorporated  
27 city or town;

28                   5.     The Maryland Transit Administration Police Force;

29                   6.     The Maryland Port Administration Police Force of the  
30 Department of Transportation;

31                   7.     The Maryland Transportation Authority Police Force;

32                   8.     The Police Force of a University of Maryland campus or  
33 another institution in the University System of Maryland or Morgan State University;

1                                   9.     The police force for a State university or college under the  
2 direction and control of the University System of Maryland;

3                                   10.    A sheriff's department of any county or Baltimore City;

4                                   11.    The Natural Resources Police Force or the Forest and Park  
5 Service Police Force of the Department of Natural Resources; or

6                                   12.    The Maryland Capitol Police of the Department of General  
7 Services; or

8                                   (ii)    In the case of a police officer who has been trained as a drug  
9 recognition expert, if the police officer is a member of, and certified as a drug recognition  
10 expert by the head of one of the law enforcement agencies described in item (i)1 through 12  
11 of this item].

12                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
13 October 1, 2019.