



Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Dennis R. Schrader, Secretary

January 13, 2021

The Honorable William C. Smith, Jr.
Chair, Judicial Proceedings Committee
2 East Miller Office Building
Annapolis, MD 21401-1991

RE: SB 216 – Evidence - Approval of Breath and Blood Tests for Alcohol, Drugs, or Controlled Dangerous Substances – Letter of Support

Dear Chairman Smith and Committee Members:

The Maryland Department of Health (MDH) respectfully submits this letter of support for Senate Bill (SB) 216 – Approval of Breath and Blood Tests for Alcohol, Drugs, or Controlled Dangerous Substances. This bill transfers the authority to approve testing procedures, equipment and training programs for the administration of the blood and breath testing program from the Office of the Chief Medical Examiner (OCME) to the Maryland Department of State Police (DSP).

OCME's oversight of the program is a legacy from 1962 when its toxicologist was the only state position that required expertise in toxicology testing and therefore was designated as the State Toxicologist by proxy. The State Toxicologist, under the Postmortem Examiner's Commission, approves and certifies blood and breath testing, as well as all equipment and procedures used for it. This bill will transfer the approval from the post-mortem State Toxicologist to a newly created and fully funded, ante-mortem toxicologist within DSP.

MDH worked collaboratively with the DSP to draft SB 216, which creates efficiencies in government. Furthermore, this bill aligns the units with their missions, as the OCME primarily focuses on post-mortem toxicology during death investigations while the DSP focuses on ante-mortem toxicology related to impaired driving investigations.

I hope this information is useful. If you would like to discuss this further, please contact Heather Shek, Director, Office of Governmental Affairs at (443) 695-4218 or heather.shek@maryland.gov.

Sincerely,

A handwritten signature in black ink that reads "Dennis R. Schrader".

Dennis R. Schrader
Secretary