

# HOUSE BILL 1171

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By: **Delegates Eckardt, Haddaway, Anderson, Bronrott, G. Clagett, Elliott, Elmore, Frank, George, McConkey, Morhaim, Nathan-Pulliam, O'Donnell, Ross, Shank, Sossi, Stocksdale, and Waldstreicher**

Introduced and read first time: February 8, 2008

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Crimes – Altering Results of Drug or Alcohol Screening Test – Synthetic**  
3 **Urine**

4 FOR the purpose of clarifying that the definition of “bodily fluid adulterant” for  
5 purposes of the prohibition against altering the results of a drug or alcohol  
6 screening test includes synthetic urine; and generally relating to the crime of  
7 altering the results of a drug or alcohol screening test.

8 BY repealing and reenacting, with amendments,  
9 Article – Criminal Law  
10 Section 10–111  
11 Annotated Code of Maryland  
12 (2002 Volume and 2007 Supplement)

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

15 **Article – Criminal Law**

16 10–111.

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

18 (2) “Bodily fluid” means blood, urine, saliva, or other bodily fluid.

19 (3) **(I)** “Bodily fluid adulterant” means any substance or chemical  
20 that is intended, for the purpose of altering the results of a drug or alcohol screening  
21 test, to be:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1                    [(i)] **1.**        consumed by a person;
- 2                    [(ii)] **2.**        introduced into the body of a person; or
- 3                    [(iii)] **3.**        added to a sample of bodily fluid.

4                    **(II) “BODILY FLUID ADULTERANT” INCLUDES SYNTHETIC**  
5 **URINE.**

6                    (4)        “Controlled dangerous substance” has the meaning stated in §  
7 5–101 of this article.

8                    (5)        “Drug” has the meaning stated in § 5–101 of this article.

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

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

14                  (1)        alter a bodily fluid sample;

15                  (2)        substitute a bodily fluid sample, in whole or in part, with:

16                                  (i)        a bodily fluid sample of another person or animal; or

17                                  (ii)       any other substance;

18                  (3)        possess or use a bodily fluid adulterant;

19                  (4)        sell, distribute, or offer to sell or distribute:

20                                  (i)        any bodily fluid from a human or any animal; or

21                                  (ii)       any bodily fluid adulterant; or

22                  (5)        transport into the State:

23                                  (i)        any bodily fluid from a human or any animal; or

24                                  (ii)       any bodily fluid adulterant.

25                  (c)        A person who violates this section is guilty of:

26                                  (1)        for a first violation, a misdemeanor and on conviction is subject to  
27 imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both; and

1                   (2)     for each subsequent violation, a misdemeanor and on conviction is  
2 subject to imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both.

3                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
4 October 1, 2008.