

# 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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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 19, 2008

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

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

4 FOR the purpose of altering the definition of “bodily fluid adulterant” for purposes of  
5 the prohibition against altering the results of a drug or alcohol screening test to  
6 include a certain substance or chemical that is intended to be substituted for a  
7 sample of bodily fluid; clarifying that the definition of “bodily fluid adulterant”  
8 ~~for purposes of the prohibition against altering the results of a drug or alcohol~~  
9 ~~screening test~~ includes synthetic urine; and generally relating to the crime of  
10 altering the results of a drug or alcohol screening test.

11 BY repealing and reenacting, with amendments,  
12 Article – Criminal Law  
13 Section 10–111  
14 Annotated Code of Maryland  
15 (2002 Volume and 2007 Supplement)

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

18 **Article – Criminal Law**

19 10–111.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



- 1 (a) (1) In this section the following words have the meanings indicated.
- 2 (2) “Bodily fluid” means blood, urine, saliva, or other bodily fluid.
- 3 (3) (I) “Bodily fluid adulterant” means any substance or chemical  
4 that is intended, for the purpose of altering the results of a drug or alcohol screening  
5 test, to be:
- 6 [(i)] 1. consumed by a person;
- 7 [(ii)] 2. introduced into the body of a person; or
- 8 [(iii)] 3. added to **OR SUBSTITUTED FOR** a sample of bodily  
9 fluid.
- 10 (II) **“BODILY FLUID ADULTERANT” INCLUDES SYNTHETIC**  
11 **URINE.**
- 12 (4) “Controlled dangerous substance” has the meaning stated in §  
13 5–101 of this article.
- 14 (5) “Drug” has the meaning stated in § 5–101 of this article.
- 15 (6) “Drug or alcohol screening test” means an analysis of a sample of  
16 bodily fluid collected from a person for the purpose of detecting the presence of alcohol,  
17 drugs, or a controlled dangerous substance in the bodily fluid of the person.
- 18 (b) A person may not, with intent to defraud or alter the outcome of a drug or  
19 alcohol screening test:
- 20 (1) alter a bodily fluid sample;
- 21 (2) substitute a bodily fluid sample, in whole or in part, with:
- 22 (i) a bodily fluid sample of another person or animal; or
- 23 (ii) any other substance;
- 24 (3) possess or use a bodily fluid adulterant;
- 25 (4) sell, distribute, or offer to sell or distribute:
- 26 (i) any bodily fluid from a human or any animal; or
- 27 (ii) any bodily fluid adulterant; or
- 28 (5) transport into the State:

- 1 (i) any bodily fluid from a human or any animal; or
- 2 (ii) any bodily fluid adulterant.

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

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

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

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

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.