

CHAPTER 311

(House Bill 1171)

AN ACT concerning

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

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

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

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

Article – Criminal Law

10–111.

- (a) (1) In this section the following words have the meanings indicated.
- (2) “Bodily fluid” means blood, urine, saliva, or other bodily fluid.
- (3) (I) “Bodily fluid adulterant” means any substance or chemical that is intended, for the purpose of altering the results of a drug or alcohol screening test, to be:
- [(i)] 1. consumed by a person;
 - [(ii)] 2. introduced into the body of a person; or
 - [(iii)] 3. added to OR SUBSTITUTED FOR a sample of bodily fluid.

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

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

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

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

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

(1) alter a bodily fluid sample;

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

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

(ii) any other substance;

(3) possess or use a bodily fluid adulterant;

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

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

(ii) any bodily fluid adulterant; or

(5) transport into the State:

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

(ii) any bodily fluid adulterant.

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

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

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

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

Approved by the Governor, April 24, 2008.