

# HOUSE BILL 1445

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0lr1821  
CF 0lr3432

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By: **Delegates Mosby, Acevero, Bartlett, Charles, D.M. Davis, Feldmark, Hill, Ivey, J. Lewis, Lopez, Moon, Palakovich Carr, Shetty, Wells, and Wilkins**  
Introduced and read first time: February 7, 2020  
Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Controlled Dangerous Substance Testing – Correctional Services and Medical**  
3 **Laboratories**

4 FOR the purpose of prohibiting a certain person from using certain information relating to  
5 certain controlled dangerous substance testing that is revealed in violation of a  
6 certain provision of this Act; prohibiting a certain person from revealing certain  
7 information relating to parole, probation, or mandatory supervision–related  
8 controlled dangerous substance testing; defining a certain term; and generally  
9 relating to controlled dangerous substance testing.

10 BY adding to  
11 Article – Correctional Services  
12 Section 6–122  
13 Annotated Code of Maryland  
14 (2017 Replacement Volume and 2019 Supplement)

15 BY adding to  
16 Article – Health – General  
17 Section 17–214.1  
18 Annotated Code of Maryland  
19 (2019 Replacement Volume)

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

22 **Article – Correctional Services**

23 **6–122.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 AN AUTHORIZED CORRECTIONAL OFFICIAL OR PROBATION OFFICER MAY NOT  
2 USE ANY INFORMATION REVEALED IN VIOLATION OF § 17-214.1 OF THE HEALTH –  
3 GENERAL ARTICLE.

4 Article – Health – General

5 17-214.1.

6 (A) IN THIS SECTION, “CONTROLLED DANGEROUS SUBSTANCE” HAS THE  
7 MEANING STATED IN § 5-101 OF THE CRIMINAL LAW ARTICLE.

8 (B) IN THE COURSE OF OBTAINING INFORMATION FOR, OR AS A RESULT OF,  
9 CONDUCTING PAROLE, PROBATION, OR MANDATORY SUPERVISION-RELATED  
10 CONTROLLED DANGEROUS SUBSTANCE TESTING FOR AN AUTHORIZED  
11 CORRECTIONAL OFFICIAL OR PROBATION OFFICER, A LABORATORY, A PHYSICIAN,  
12 INCLUDING A PHYSICIAN RETAINED BY THE DIVISION, OR ANY OTHER PERSON MAY  
13 NOT REVEAL:

14 (1) THE USE OF A NONPRESCRIPTION DRUG THAT IS NOT  
15 CRIMINALIZED UNDER THE LAWS OF THE STATE; OR

16 (2) THE USE OF A MEDICALLY PRESCRIBED DRUG, UNLESS THE  
17 INDIVIDUAL BEING TESTED IS UNABLE TO ESTABLISH THAT THE DRUG WAS  
18 MEDICALLY PRESCRIBED TO THE INDIVIDUAL UNDER THE LAWS OF THE STATE.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
20 October 1, 2020.